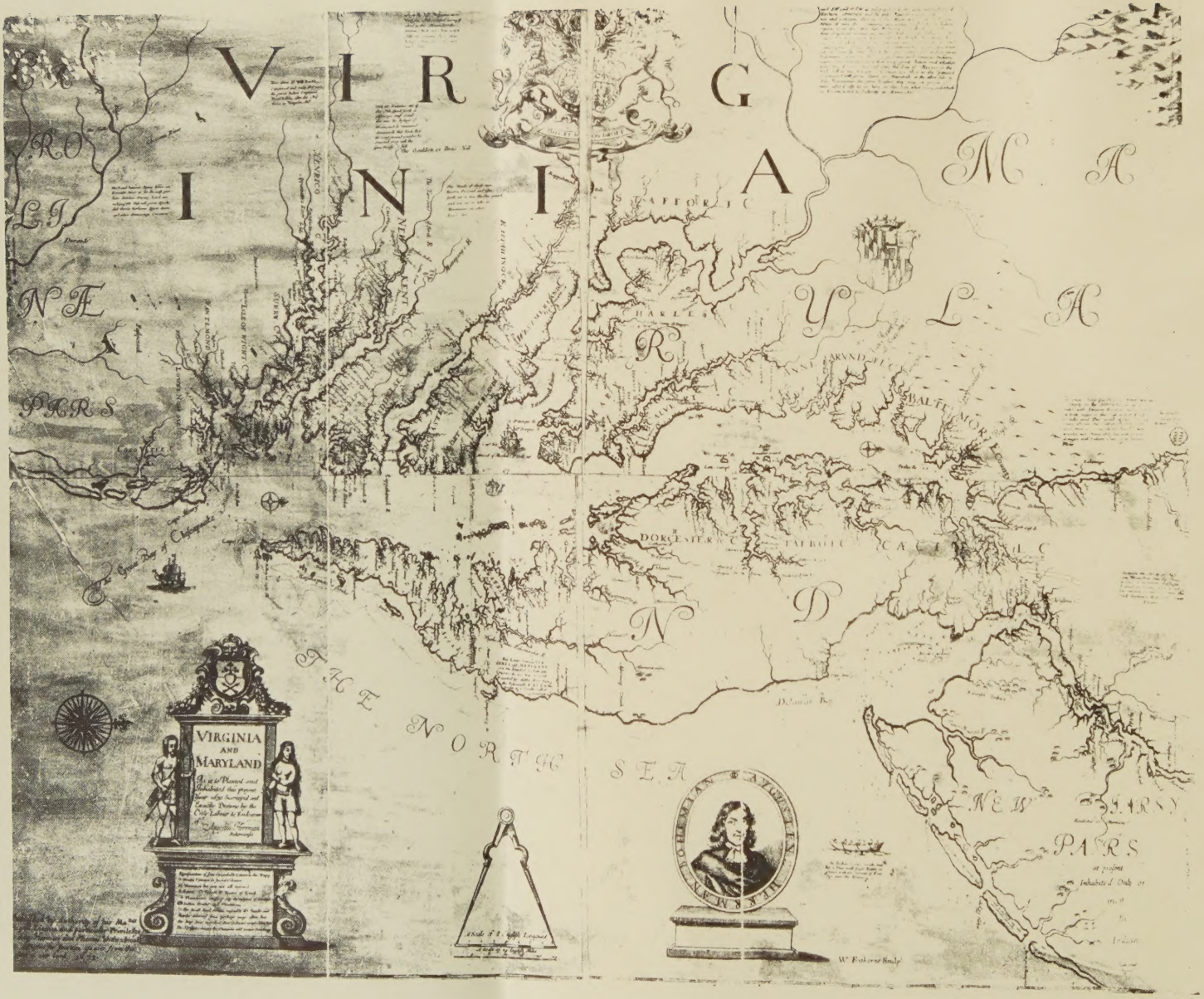
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ECONOMIC HISTORY

OF

VIRGINIA IN THE SEVENTEENTH CENTURY

AN INQUIRY INTO THE MATERIAL CONDITION OF THE PEOPLE, BASED UPON ORIGINAL AND CONTEMPORANEOUS RECORDS

BY

PHILIP ALEXANDER BRUCE

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TO THE MEMORY OF

My Sister

ANNE BRUCE PAGE

THE BEAUTY OF WHOSE LIFE AND CHARACTER
THE PATHOS OF WHOSE EARLY DEATH
AND THE CALAMITY OF WHOSE IRREPARABLE LOSS
THE PASSAGE OF TIME
HAS ONLY SERVED TO IMPRESS MORE DEEPLY
UPON THE MINDS AND HEARTS OF
THOSE WHO LOVED HER

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PREFACE

In studying the history of the Virginian people in the seventeenth century, apart from the course of events, it will be found that the general subject falls under the following heads: —

I. Economic Condition. II. Social Life. III. Religious Establishment and Moral Influences. IV. Education. V. Military Regulations. VI. Administration of Justice. VII. Political System.

By following in minute detail the various ramifications of each of these special subjects, some offering a broader field for treatment than others, a perfectly complete account might be written of the state of the people of the Colony in that age. In the present work, I have confined myself very strictly to an investigation of their economic condition alone. Where this has encroached upon the boundary of any of the other divisions which I have named, I have, except in a few instances, refrained from pursuing the subject beyond that point. Thus, no references have been made to printing in Virginia in the seventeenth century and the degree to which books entered into the inventories of the planters' estates, because such references, it appeared, would more properly come under the head of Education. For the same reason, the question as to how

far bricks were employed in the construction of church edifices in that age has not been touched upon at length in the description of the use of this material in houses, because it seemed to be more consistent to include it under the head of the Religious Establishment. For the same reason also the scope of taxation and the powers of the vestries have only been dwelt upon incidentally to facts relating directly to the economic condition of the people. A full account of both would with more fitness be given under the head of the Political System. Similar limitations, but in no instance of special importance, will be observed in other branches of the subject, as treated in this work.

The overwhelming mass as well as the extraordinary variety of the matter which enters into the economic history of Virginia in the Colonial Age are clearly shown in my own experience in approaching the subject. I began with the intention of writing an account of the economic condition of the Virginian people in the period between the Revolution and the late War. After investigation extending over several months, I perceived that it would be impossible to obtain a thorough understanding of this period, unless a careful examination was made of their economic condition in colonial times. Becoming very much interested in the study of the different economic aspects of that age, I determined to narrow the scope of my work to the interval between the foundation of Jamestown and the Declaration of Independence. As the course of my inquiry proceeded, the details relating to the subject grew into such volume that I was compelled to confine my attention to the seventeenth century; and even

with this restriction, the field under examination expanded to such an extent that it was only by condensing the material collected, as far as was possible, that the work has been kept within reasonable limits.

In the preparation of this work, I have had access to a great mass of original manuscripts which have never been used for the same general purpose before. These manuscripts include the nine large folio volumes of Land Patents for the seventeenth century now in the office of the Register[1] in the Capitol at Richmond, and the seventy-five or more volumes, both folio and quarto, of the records for the same period, of the counties of Henrico, York, Lower Norfolk, Elizabeth City, Surry, Middlesex, Lancaster, Rappahannock, Accomac, and Northampton. These volumes are kept in the clerk's offices in the counties named. Copies of the records of Henrico, York, Rappahannock, Elizabeth City, and Surry have been made and deposited in the Virginia State Library, — a fact which is due to the success of Mr. Lyon G. Tyler, the President of the venerable William and Mary College, in securing from the Legislature an appropriation for that purpose. The very large collection of original manuscripts in the possession of the Virginia Historical Society relating to the same period — the Ludwell, Randolph, Byrd, and Fitzhugh, and also the General Court MSS. covering the interval between 1670 and 1676, together with transcripts of a varied mass of records belonging to the same century, made by or at the instance of the late Conway Robinson, Esq. — have been of very great use to me. In the Vir-

[1] The legal title of this officer is Register, not Registrar, of the Land Office.

ginia State Library are preserved the Winder, MacDonald, and Sainsbury Papers, twenty-two quarto volumes, containing either exact copies or very full abstracts of all the documents in the British Public Record Office relating to the same century. In the same depository are the Reports of the Royal Historical Manuscripts Commission, and the Calendar of Virginia State Papers, the earlier volumes of which, edited with great care and learning by Dr. William P. Palmer, throw the most important light on the Colonial Age. Mr. Alexander Brown's noble collection of private and public documents in his *Genesis of the United States*, a collection which will always be a monument to his patience, industry, and scholarship; the *Works of Captain John Smith* as edited by Professor Arber; and the *Abstracts of Proceedings of the Virginia Company of London*,[1] published by the Virginia Historical Society, have furnished me invaluable information in the investigation of the condition of the people in the first decades of the century. Largely owing to the scholarly care of Mr. Charles Poindexter, late State Librarian, the collection of tracts bearing upon the history of Virginia throughout that whole period, now in the State Library at Richmond, is one of the most complete to be found in this country, and upon this collection I have drawn to very great advantage. A complete list of all the authorities used in the preparation of this work, with the special editions consulted, will be found appended.

An exhaustive chronological history of Virginia in the Colonial Age has never been written, and this is also true

[1] These Abstracts were prepared by the late Conway Robinson, Esq., from Vols. I and II of the Randolph MSS., now in possession of the Virginia Historical Society.

of the period that has elapsed since the creation of the State. There are several biographies of Virginian statesmen of the era of the Revolution, written by Virginians, which reflect very high honor upon American historical scholarship; notably Kate Mason Rowland's *Life of George Mason*, William Wirt Henry's *Life of Patrick Henry*, and William C. Rives's *Life of James Madison*. No attempt, however, previous to the present has been made to describe the purely economic condition of the Virginian people in detail. To undertake the task, although its scope was to be confined to the survey of a single century, was to assume the part of a pioneer. I shall feel fully rewarded for the labor, thought, and time expended in the present work if the only result accomplished by it shall be to direct the attention of zealous and discriminating scholars to a field marked by the most extraordinary wealth of matter, interesting in itself and of far-reaching importance in its relation to the subsequent history, not only of Virginia, but also of the United States.

In conclusion, it only remains for me to express my appreciation of the kindness of my brother, Professor James Douglas Bruce of Bryn Mawr College, Pennsylvania, in reading and assisting me to correct my manuscript. I am also indebted to him for warm encouragement in the course of my investigations, and for unvarying interest in the progress of my work.

PHILIP A. BRUCE.

VIRGINIA HISTORICAL SOCIETY BUILDING,
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ECONOMIC HISTORY OF VIRGINIA

CHAPTER I

REASONS FOR THE COLONIZATION OF VIRGINIA

The age of Elizabeth was for some reasons the most memorable in the history of English commerce. The great outburst of literary genius, which reflects so much splendor upon the closing years of the reign of that justly celebrated queen, was hardly more remarkable than the daring commercial spirit which, during the same period, pushed its ventures as far to the south as Guinea, to the north as Archangel, to the east as India and Persia, and to the west as Newfoundland and Roanoke. Hawkins and Drake, Cumberland and Raleigh, in their incursions upon the Spanish dominions in America, were really promoting the growth of a legitimate English foreign trade, not only in checking the power of the Spanish king by the destruction of his cities and fleets, but also in accustoming the English people to distant lands hitherto unknown or unregarded, although eminently fitted by nature to become the scene of an active and lucrative commerce. Some of the expeditions sent out combined purposes of barter and discovery with colonization, but whenever colonization was also designed, it was to enlarge the volume of English trade.

In the letters patent for the erection of the colonies, granted before the first charter of the Virginia Companies was issued, no attempt was made to define the local boundaries of the countries to be occupied by the patentees, unless the authority given to Cabot in 1498 to take possession of Baccalaos, the general region of the modern Newfoundland, can be considered as an exception. The charters of Gilbert and Raleigh conferred merely the right to discover and plant remote and barbarous lands which were not under the dominion of a Christian prince or people.[1] There was no reference to America, notwithstanding the fact that it was clearly understood by the patentees that it was this part of the globe which was expected to be the scene of their explorations and the territory to be occupied by them. Although John Cabot was granted the right to erect a settlement in Baccalaos, yet as he took no steps to found it, so far as the records of his second voyage disclose, he cannot be looked upon as the father of English colonization in the Western Hemisphere; that enduring honor belongs to Sir Humphrey Gilbert, the heroic sailor whose name should be invested with a greater degree of fame than it enjoys. He received his letters patent in 1578, and the powers which they contained are interesting in the light of those conferred many years afterwards on the London Company. Upon him was bestowed an absolute title to the countries which he should occupy. He was authorized to expel from these countries all persons who had not obtained

[1] Letters Patent to Sir Humphrey Gilbert, Hakluyt's *Voyages*, vol. III, pp. 174–176. Letters Patent to Sir Walter Raleigh, *Ibid.*, pp. 297–300. In both charters, license was granted "to discover, find, search out and view such remote, heathen, and barbarous lands, countreys, and territories not actually possessed of any Christian prince or people." The second patent to John Cabot, dated Feb. 3, 1498, will be found in Richard Biddle's *Memoir of Sebastian Cabot.*

his permission to enter, and to seize upon every ship, the master of which was found trading in that jurisdiction without his special license, and to appropriate its cargo. Gilbert and those who would succeed him were left at liberty to adopt whatever regulations they should consider necessary for the government of their colony, in every branch of its affairs, provided that the enactments were not repugnant to the written or unwritten laws of England. They could give an ownership in the soil in fee simple, subject only to the condition that one-fifth of all the precious metals found in each plantation was to be reserved for the sovereign. Those religious doctrines were to be supported which were professed in the Church of England. The inhabitants were to enjoy the personal and political rights which the English people possessed in their native country.[1]

In the testamentary assignment which Gilbert made of the powers he acquired under these letters patent, in anticipation of a fatal ending to the new adventure he had then projected, he gave instructions as to how these powers were to be put into practice, which recall the various provisions that at a later period were enforced by the quarter courts of the London Company in carrying into effect the general rights conferred by its charter.[2] The disastrous

[1] Hakluyt's *Voyages*, vol. III, pp. 174–176.

[2] Close Roll, 24 Elizabeth, part VII, No. 8, *British State Papers; Sainsbury Abstracts for 1582*, p. 22 *et seq.*, Va. State Library. These instructions are of unusual interest as showing the freedom which a patentee enjoyed and exercised in disposing of the rights and privileges acquired under his charter. Gilbert directed his trustees to sell, for the benefit of his wife and children, the life offices to be created in his proposed colony, to distribute the lands and to disburse the revenues. As soon as his male children should arrive at maturity, they and also his wife, who in the interval was to receive a third part of the customs, rents, and royalties, the remainder going to the children, were to be placed in possession of seigniories extending over an area fifty miles square. The

result of the voyage upon which he set out in 1583 is one of the most memorable events of the sixteenth century. Shaping his course towards Newfoundland, he, in the name of his sovereign, took possession of that country with imposing ceremonies; afterwards sailing southward,

daughters were to have lordships over territories twenty miles square. The trustees were empowered to lease the soil subject to certain prescribed conditions: to every emigrant from England, a grant of sixty acres, with ample common for cattle in addition, was to be made, to hold good for a period of three lives. After he had been in the enjoyment of the property for three years, having in the meanwhile put it in a state of cultivation, he was to be permitted to buy it, if he wished, for a small sum. In order to acquire the right to become first a lessee, and afterwards a purchaser of land in the colony, it was necessary that the emigrant on his arrival should deliver to an officer, to be appointed for that purpose, one quarter of wheat, four bushels of barley and oats, and two bushels of peas and beans respectively, a hatchet, a pickaxe, one handsaw and one spade, the whole amounting in value to forty-three shillings. These different articles were to be redelivered before the end of six weeks, provided that the emigrant was over age. If not yet an adult, they were to be held until the person, if of the male sex, was in a position to support a family, and if of the female, until marriage. Every one who brought into the colony five men who intended to make a permanent settlement there, was to be entitled to two thousand acres in fee simple; each of the five men was also to receive one hundred and twenty acres, the tenure to be absolute. A quit rent of twenty shillings, to begin running three years after the acquisition of the patent, was to be imposed on every one thousand acres included in the tract taken up. The grant to a married woman on the basis of persons she had imported, was to be two-thirds less in the area allowed than it was to be in the case of a man adding the same number of persons to the population. In the case of a child, it was to be three-fourths. These conditions of tenure will be found of especial interest when we come to examine the similar conditions adopted by the London Company in the distribution of the soil of Virginia. They were the earliest provisions made by Englishmen for the conveyance of land in the region of country now known as the United States, and they are not the less significant because they were never carried into practice. See also Articles of Agreement between Gilbert and Sir George Peckham (Close Roll, 24 Elizabeth, part VI), and Gilbert and Sydney (Close Roll, 24 Elizabeth, part VII, *British State Papers*). *Sainsbury Abstracts for 1582*, p. 16 *et seq.*, Va. State Library.

his fleet was overtaken by heavy storms, and these causing much damage and destruction, he decided to return to England, and while on his way the ship which he occupied foundered with all on board.

The mantle dropped by Sir Humphrey Gilbert at his death fell upon the shoulders of his half-brother, Sir Walter Raleigh, one of the most brilliant and versatile men who have performed a leading part in the annals of the world. In 1584 Raleigh obtained a charter which was the exact counterpart of the letters patent to Gilbert. It granted the same powers, privileges, and jurisdictions. In a spirit of prudence, he sent out a preliminary expedition to the coast of America, for the purpose of acquiring by actual observation the information necessary for the guidance of the greater expedition which was to follow. Unfortunately, Amadas and Barlow made a landing on the Hatteras coast, and were thus led to recommend that the territory at this point should be the site of the proposed settlement. If these two captains had first dropped anchor in the Chesapeake instead of in the modern Albemarle Sound, the successful colonization of Virginia would probably have been anticipated by a quarter of a century. The occupation by Raleigh proceeded somewhat further than the ceremony performed by Gilbert in taking possession of Newfoundland in 1583, but it was equally fruitless of a permanent settlement. In this unsuccessful attempt to secure an enduring foothold there, disasters appealing with peculiar force to the imagination occurred,[1] but they were not sufficient to

[1] There are few more melancholy incidents in history than the disappearance of the little band of colonists whom Sir Richard Grenville left on Roanoke Island in August, 1586. The discovery of their remains, as happened in the case of the members of Sir John Franklin's expedition to the North Pole, would have rendered their fate less pathetic than it was, wrapped in a mystery which seemed to be made only deeper and more

weaken the determination of the English people to turn to their advantage the natural products of the empire which they claimed beyond the Atlantic. The letters patent of Raleigh expired with his attainder. Not long before that event, however, several voyages were made to America, which quickened the popular interest in England in its colonization. Gosnold in 1602, Pring in 1603, and Weymouth in 1605, were important forerunners of the emigrants of 1606.

All the ventures preceding the formation of the London Company went to show that the task of colonization was beyond the resources of a single individual or small associations of merchants looking to their private advantage. A short while before the charter of the two Virginia Companies was granted, there was issued a paper entitled "Reasons for raising a Fund for the Support of a Colony at Virginia,"[1] which sought to prove the indispensableness in all enterprises for the foundation of settlements abroad, of that prince's purse which Hakluyt had declared was necessary "to an action if it was to be fulfilled without lingering." A brief statement of the substance of this paper throws much light upon the practical motives in which the memorable undertaking of 1606 had its origin.

touching by the vague reports among the Indians of Virginia that came to the ears of the founders of Jamestown. The profound impression created in England by the loss of these colonists, who, to the popular imagination, appeared to have vanished like ghostly shades in the solemn silence of the primæval woods, is shown by the great anxiety of the London Company to discover some trace of them, which, on more than one occasion, found expression in energetic action.

[1] "Reasons for raising a Fund for the Support of a Colony in Virginia," Lansdowne MSS. 160, British Museum. This paper is given at length in Brown's *Genesis of the United States*, and in the Rev. E. D. Neill's *Virginia Vetusta*. There is no reason to doubt that it was drawn previous to the grant of the charter of April, 1606. See Mr. Brown's remarks on this point, p. 36.

It was asserted by the author that all the previous attempts to colonize Virginia had failed because the persons who had participated in them had been worn out by the long delays, or had been disconcerted by jealousies, or had been unwilling to sustain any project not crowned with immediate success. It was more to the honor of a State, the author of the "Reasons" went on to say, to have a great enterprise which had first taken shape among its people carried through by public concert than by private monopoly. An undertaking having the public support was more likely to attract to it men of the highest qualities than one relying upon a small body of adventurers, inasmuch as it offered more opportunities of winning personal reputation, and was less subject to the distractions of fraud and envy. The safety of the commonwealth demanded that a discovery once begun should be advanced to completeness in order that the impression might not be spread abroad that the persons who started it were idle or lacking in resources to make their project fully successful. To stop half-way in a discovery was to give up the title acquired by what had been accomplished, and thus to leave to the next explorer the right to establish colonies in the country abandoned. The fact that a settlement was made by means of a public fund rendered it improbable that foreign states, however hostile, would venture to attack it, the consequences of such aggression being far more serious than if the interests of a few private individuals were trampled upon. The commonwealth was not only more able to hold and defend a colony which it had erected, but it was also in a more favorable position to promote the interests of such a community. The room for employment in a settlement established and sustained by the State was far greater for persons of high rank than if it owed its existence and advancement to a

few persons. A public fund, in prescribing the limit of individual investment, diminished the chance of heavy individual losses in carrying through an enterprise which had colonization in view. Such losses, if incurred at all, fell upon a large instead of a small number of persons, and being generally distributed, were borne without serious inconvenience.

Turning from the special advantages to accrue from the assumption by the public wealth of the work of colonization, the author of the "Reasons" dwelt upon those aspects of an undertaking to throw open a virgin country to population and the arts, which were common to a private and public enterprise. It would enlarge the trade of the kingdom; it would increase the number of ships and mariners; it would create a field in the control of England where naval stores could be acquired; it would furnish a new market for the disposal of English clothing; it would disperse among kindred, instead of among enemies and lukewarm friends, the English gold used in purchasing the commodities which the English soil was incapable of producing.

Thirty years previous to the composition of this remarkable paper, a number of the citizens of the Western counties had entered a petition with the Lord High Admiral for permission to adventure themselves and their merchandise in a scheme looking to the discovery of new trades, which, in addition to enlarging the bounds of the Christian religion, would promote the beneficial utterance of the commodities of England, increase and maintain seamen, and give a vent to the overflowing population at home.[1] The same general statement as to the advantages

[1] Petition of Divers Gentlemen of the West Parts of England to the Queen. Domestic Elizabeth, vol. XCV, No. 64, *British State Papers. Sainsbury Abstracts for 1573*, p. 2, Va. State Library.

to result from colonization was set forth in the appeal which Captain Carlile made in 1583, when he was seeking the assistance of the English merchants in advancing his project for establishing settlements in America.[1] Colonies in that quarter, said he, would raise up communities which would consume vast quantities of English woollen goods; they would supply an abundance of naval stores; they would draw off the idle people of the kingdom; they would offer a promising field for the discovery of mines of the precious metals; and would open up the most direct passage to the Indian Sea. Sir George Peckham, who was associated with Sir Humphrey Gilbert in the costs of the voyage of 1583, in his argument in favor of planting an English colony in the Western world, set forth substantially the same forcible reasons.[2]

It is interesting to find that these anticipated benefits were brought forward in a number of discourses that were either spoken or written after the first settlement in Virginia had been established. In enumerating the advantages which would flow to England from its American colony, the author of the *Nova Britannia* in 1609 dwelt at length on the supply of timber to be procured there, the wine and fruit, the silk, flax and hemp, the tar and soap ashes. Mines of gold and silver were to be found there. Virginia would become the home of myriads of English emigrants. It would furnish a market for English cloth. In enlarging the volume of English trade, it would increase the amount of English shipping.[3]

Crashaw, in the sermon which he delivered in 1610 before Lord Delaware and the Council for the Colony in

[1] Brief and Summary Discourse, Hakluyt's *Voyages*, vol. III, p. 228; Anderson's *History of Commerce*, vol. III, p. 156.

[2] Hakluyt's *Voyages*, vol. III, pp. 218–222.

[3] Nova Britannia, pp. 12–20, Force's *Historical Tracts*, vol. I.

London, declared that the purposes the plantation was designed to accomplish were to enrich the nation by the discovery and development of mines and other natural sources of wealth; to enlarge the navy by increasing the demand for vessels and mariners, which would also strengthen the defences of the kingdom; to lessen the dependence of the English people upon foreign countries for certain commodities by their production in Virginia; to draw off the surplus population, this being now so great as to lead to many disorders; and finally to wipe away the stain inflicted upon the reputation of England by the refusal of Henry VII to accept the proposals of Columbus.[1]

William Strachey, in a like manner, summed up the reasons that should lead the English people to give their active support to the colonization of Virginia, declaring that it was a fertile and spacious country which would afford the amplest room and the most abundant sustenance for the growing multitude of those inhabitants of England who passed their lives in idleness and destitution; that it would offer a secure harbor for English ships in case England and Spain went to war and those seas became the scene of battle; that it would furnish the English ship-yards with a vast quantity of the finest timber, which could now be purchased only of foreign countries and at exorbitant rates; that it would pour into the lap of England a constant stream of the precious metals; and that it would assure the discovery of the nearest route to the South Sea.[2]

It will be seen from this testimony that the anticipa-

[1] Sermon of Rev. William Crashaw, Brown's *Genesis of the United States*, p. 368. This sermon in part will also be found in Anderson's *History of the Colonial Church*, and in Neill's *Virginia Company of London*, and *English Colonization of America*.

[2] Letter of William Strachey to Sir Allen Apsley, Brown's *Genesis of the United States*, pp. 562–565.

tions of Englishmen as to the advantages to result from the colonization of Virginia were substantially the same, however widely separated the periods in which the witnesses quoted lived. It will be interesting to examine in detail the most important of the reasons offered. The foremost in their influence upon the minds of the greater number of shareholders of the London Company when the enterprise was inaugurated were the probable presence of gold there and the supposed nearness of the country to the South Sea. So powerful in that age was the working of these two expectations in the breasts of Englishmen, that Ralph Lane, after describing in the most glowing language the fertility of the soil, the rareness, variety, and profusion of the products, and the wholesomeness of the climate, of the modern Carolina coast, admitted with evident reluctance, "that the discovery of a good mine by the goodness of God, or a passage to the South Sea, or some way to it, and nothing else, can bring this country in request to be inhabited by our nation." Clearly foreseeing the consequences of such a far-reaching discovery, Lane listened with credulous eagerness to the Indian reports of a mine near the upper waters of the Moratoc, and of a salt sea at its fountain-head.[1]

The importance of the mine in association with colonization had been shown in the most striking manner only a few years before in the instance of Sir Humphrey Gilbert; from the first hour of his occupation of Newfoundland in 1583 it is said that he was deeply interested in the search for metals, commanding the mineral men and the refiners especially to be diligent.[2] As soon as he supposed he had found silver ore, he declared that if he were to follow his private humor, he would remain in Newfoundland, but his promises to his friends and the

[1] Hakluyt's *Voyages*, vol. III, pp. 314–315. [2] *Ibid.*, pp. 195–196.

necessity of his bringing the Southern coast within the scope of his patent by actual colonization, compelled him to extend his explorations in that direction. The ore dug up was carefully stored away in one of the ships of his fleet. This discovery of metal altered the opinion which he had entertained of the northern parts of America. He had previously regarded it with indifference; he now refused to make any large grants of territory in that region, although he was warmly urged to do so. He reserved Newfoundland for himself, affirming that this voyage "had won his heart from the South and that he was now become a Northern man altogether." There were few more pathetic spectacles in the sixteenth century than Sir Humphrey Gilbert, upheld in the stormy voyage which was his last and comforted for the interruption of his scheme of colonization, by the feeling of certainty that news of the mine would induce the Queen to lend him ten thousand pounds to equip a fleet to set out for America in the spring.[1]

The eagerness shown by the earliest promoters of colonization to discover gold mines in the countries which they claimed under the authority of their letters patent was not due entirely to an expectation on their part that they would be exclusive possessors of such sources of immense wealth. The enterprises of both Gilbert and Raleigh required the support of a large number of adventurers to arrive at a successful consummation. Gilbert sought and obtained the coöperation of others very soon after he received his letters patent, and Raleigh was forced in the end to procure the assistance of English merchants.[2] Carlile spoke correctly when he said that

[1] Hakluyt's *Voyages*, vol. III, p. 201.

[2] Indenture between Sir Walter Raleigh and Thomas Smith, Edward Sanderson *et al.*, Brown's *Genesis of the United States*, p. 20.

for every person who laid out his money in the first enterprise, a hundred would invest in the second if the first had shown that even to a small extent the anticipation of gain had not been groundless. A full knowledge of this fact impelled Gilbert and the representatives of Raleigh in Virginia to display so much anxiety to discover indications of the precious metals in their several territories; such a discovery would have at once rendered it easy for these two great men to obtain not only all the funds which they needed for the establishment of their colonies, but also the whole number of settlers required for population.[1]

At no period in the history of the world has the thirst for gold been more fervid and inordinate than it was in the age of Elizabeth. The spread of the Spanish dominion in the southern portion of the Western Hemisphere had thrown the fullest light upon the wealth of the New World, and the knowledge of this wealth, which surpassed the most opulent dreams of the East, had excited the imaginations of men and made more feverish their desire for individual gain. Upon the English popular mind the success of the Spaniards in securing in such vast quantities the gold and silver of tropical America had made a profound impression, which revealed itself in a practical form in the voyages of English fleets to the Spanish Main for the purpose of sacking Spanish cities, or intercepting the Spanish ships transporting to Cadiz the glittering treasures of Peru and Mexico and the West Indies. The booty seized in these expeditions was often enormous. The less aggressive spirits were satisfied to have a chance of obtaining gold and silver by venturing

[1] The history of the State of California and the colony of Victoria in Australia in recent times gives us some notion as to the increase of population which would probably have followed the discovery of gold in Virginia in the seventeenth century.

their money in the enterprises which Gilbert and Raleigh set on foot for the exploration and colonization of the country along the Atlantic coast of North America. Although the confidence of Gilbert and Lane as to the presence of the precious metals in the respective territories which they were occupying at the time they yielded to seductive dreams of inexhaustible mines, proved to be without foundation, the hope nevertheless lingered in the English mind that gold and silver would yet be found in Virginia. The well-known passage in the play of *Eastward Ho!* expressed in extravagant language the popular notion in England as to the physical character of that country; this play was written in 1605, about twelve months previous to the grant of the first charter of the Companies of London and Plymouth, but many years after the schemes of Gilbert and Raleigh for the promotion of colonization in America had ended in failure. "I tell thee," exclaimed one of the personages, "golde is more plentifull in Virginia than copper is with us, and for as much redde copper as I can bring, I will have thrice the weight in gold. All their dripping pans and chamber potts are pure gould, and all the chaines with which they chaine up their streets are massie gould; all the prisoners they take are fettered in golde, and for rubies and diamonds, they goe forth in holidays and gather them by the seashore to hang on their children's coates and sticke in their children's caps as commonally as our children wear saffron, gilt brooches and groates with hoales in them."

In the letters patent of 1606, special provision was made for the proportion in which the gold, silver, and copper that might be found in Virginia should be divided; one-fifth part of the two metals first named and one-fifteenth part of the third were to be reserved for the use of the King. In his spirited invocation addressed to the voy-

agers in 1606, Drayton expressed the hope that success would continue "to entice them to get the pearl and gold."[1] The order in council framed for the guidance of the colonists after they reached Virginia directed that Newport and Gosnold, who were specially detailed to explore the river upon which the settlement was to be made, should, as soon as they observed hills, send out a band of twenty men for the purpose of using pickaxes to discover the presence of the precious metals.[2] The adventurers easily cheated themselves with the belief that the high ground seen along the upper stretches of the Powhatan gave indications of gold. In the letter which the President and Council at Jamestown despatched to England by Newport on his return in 1607, the Company was urged to forward a supply with the utmost expedition, "least the all-devouring Spaniard lay his ravenous hands upon these gold-showing mountains, which if we be so enhabled, he shall never dare to think on."[3] When Captain Newport arrived at Plymouth, he made haste to write to Salisbury that Virginia "was very rich in gold and copper." He had brought over with him specimens of auriferous ore. "I will not deliver the expectance and assurance we have of great wealth," he declared in the letter already quoted, "but will leave it to your Lordship's censure when you see the probabilities," adding, "I wish I might have come in person to have brought these glad tidings."[4] Newport had nothing to say as to the commonplace elements of

[1] "Cheerefully at sea
Successe you still entice
To get the pearle and gold."
Drayton's *Poems*, 1619–20.

[2] *Works of Capt. John Smith*, p. xxxv.

[3] Brown's *Genesis of the United States*, p. 108. It is also printed in Neill's *Virginia and Virginiola*, pp. 10, 11. See also *Royal Hist. MSS. Commission*, Third Report, p. 53.

[4] *Royal Hist. MSS. Commission*, Third Report, p. 54.

natural wealth which Virginia possessed. He knew very well that the information which would be most acceptable to the persons who were interested in the enterprise was that there were unmistakable outcroppings of the precious metals in the country lying along the Powhatan. The supposed ore that Newport had brought into England must have been soon tested and found entirely lacking in value, for Dudley Carleton, in August of the same year, in a letter to Chamberlain, alluded to the settlement at Jamestown, from which place he stated that Newport had recently returned, and remarked that the "aire and the soil and commodities" of Virginia were highly commended by the colonists, "but gold and silver have they none."[1]

Hope again triumphed over all discouragements. When Captain Newport set out for Virginia in charge of the First Supply, he was accompanied by two goldsmiths, two refiners, and one jeweller. The colonists, quickened in their thirst for gold and silver by the zeal of Newport and the English experts whom he had brought over, entered with the utmost ardor into the search for these metals; it was reported that at this time there were among the English in Virginia "no talk, no hope, no work, but dig gold, wash gold, refine gold, loade gold."[2] When the ship sailed, she carried away a cargo of shining dirt, which, after its arrival in England, was shown to be wholly worthless. For a period of fourteen weeks, Captain Newport had lingered in the Colony at a heavy expense in victuals and wages in order that his seamen might have an opportunity to say that they had assisted the settlers at Jamestown in discovering gold. Not long after the departure of his vessel, the *Phœnix*, her consort in the outward voyage, came in, having been delayed by violent

[1] Brown's *Genesis of the United States*, pp. 111–113.

[2] *Works of Capt. John Smith*, p. 407.

storms which drove her out of her course. It was debated for some time among those who were in authority at Jamestown as to whether this ship should also be loaded with a cargo of the supposed ore and sent back to England. In the end it was decided to fill her with cedar.

In the autumn of 1608 the Second Supply arrived in charge of Captain Newport, who had received private instructions from the Council in England to remain in Virginia until he had found a lump of gold, or was assured of the true route to the South Sea, or had recovered at least one of the lost colonists of Raleigh.[1] Among the persons who accompanied him on the occasion of this voyage were several foreigners, who were to be employed in the manufacture of pitch, tar, glass, and soap ashes, and in the erection of saw-mills. One of them, an Helvetian, Faldoe by name, attended Newport in the expedition made under his command into the Monacan country for the purpose of finding a way to the South Sea, and in the search for metals entered upon after the original purpose of the exploration had been abandoned, and which, it seems, led to the discovery of two mines, this man, who must have wandered somewhat from the main body, flattered himself that he had found the site of valuable veins of silver. He was permitted, doubtless on account of his knowledge of this supposed deposit of ore, to return to England with Newport, and laying news of it before the merchants of the London Company, he produced such an impression upon that body that they rewarded him substantially, and sent him back to the Colony with Lord Delaware.[2]

[1] *Works of Capt. John Smith*, p. 434.

[2] "Our people in their first discovery into the Monacan country discovered two mynes, the one within six miles of the head of the falls which takes the name of Namantack, the fynder of it: which is conceaved wil be worth the exploring and with little charge; the other lyes in the myd-waie betweene twoo townes of Monacan, the neerest called

Before Delaware and Faldoe reached Virginia, the Third Supply arrived with the information of the impending change of officers. A mutinous spirit now arose among the soldiers of Captain West, who were stationed near the Falls of the Powhatan. They threw off the authority of Smith, the President of the Colony at that time, on the ground that the commission of Delaware had superseded his right to the command. This rebellious impulse revealed itself most strikingly in their announcement that no one would be permitted to pass into the country west of the Falls, which they thought to be very rich in gold.[1]

The thirst for the precious metals shown by the common soldiers was shared by Delaware on his arrival. To such an extent was the Colony during a part at least of his

Mowhemincke, the furthest, Massinnacock, distant one from another fourteen miles, of whose goodness there is no doubt since the sparre only taken no further then two or three foote into the earth affourdes mettall worth the labour. And concerning a silver myne, not far from the same place, an Helvetian, one William Henrick Faldoe, . . . made earnest suit unto our treasourer and his Majestie's Counsaile resident for Virginia, with whom he contracted and ent'red into condicons for one yeare and a halfe for the full performance of this worke." Strachey's *Historie of Travaile into Virginia*, p. 131. See, also, *Works of Capt. John Smith*, p. 487. Strachey mentions that he had seen a map of the English "seat" in Virginia drawn by a Portuguese, on which the "two silver mynes were pricked downe," p. 132. Whitaker, in his *Good Newes from Virginia*, states that three days' journey from a point twelve miles west of the Falls in the Powhatan, a "stonie hill covered all over with a perfect and most rich silver oare" was found in the course of the first exploration of the country. "Our men that went to discover those parts had but two iron pickaxes with them, and those so ill-tempered that the points of them turned againe and bowed at every stroke, so that we could not search the entrails of ye place, yet some triall was made of that oare with good successe and argument of much hope." Brown's *Genesis of the United States*, p. 584.

[1] The words "rebellious" and "mutinous" are used because, until Delaware arrived and presented his commission, Smith's authority as President was paramount. *Works of Capt. John Smith*, p. 482.

administration absorbed in the search for the mines which Faldoe reported to exist in the Monacan territory, that there was a grave omission of those duties which it was absolutely necessary to perform to insure the perpetual existence of the community. Delaware had been urged to this course by special instructions from the Council in London, who thus showed the plainest determination to subordinate the practical development of the Jamestown settlement to a search for gold. The foundation of a plantation was not "the full and utmost intention" advised from England, but rather, says Dale, the discovery of the mines of Faldoe, the Helvetian.[1] Faldoe perished before he was able to point out the exact spot where he had found gold in the previous year; search was, therefore, uncertain and confused, if made at all, and in the end wholly barren of any favorable result.[2]

In the midst of these groundless notions that gold and

[1] Dale to the Council, Brown's *Genesis of the United States*, p. 490. See also Neill's *Virginia Vetusta*, p. 79.

[2] The manner in which Faldoe met his death is involved in some doubt. According to Smith's *General Historie*, in which he is referred to as "Valdo," he was discovered to be an impostor and soon "dyed most miserably." *Works of Capt. John Smith*, p. 487. Strachey informs us that the Helvetian died of a burning fever, and with him passed away all knowledge of "the myne which, in his lifetime, he would not be drawn to reveyle unto any one ells of the colony." *Historie of Travaile into Virginia*, p. 132. In the "Breife Declaration of the Plantation of Virginia during the first Twelve Years," it is declared that the design of Delaware in leading an expedition into the Monacan country, Captains Brewster and Yeardley being his subordinates in command, was defeated, in spite of the fact that the expedition reached "the head of the River," by "the unfortunate losse of all of our chieffe men skilfull in findeinge out mines, who weare treacherously slaine by the Salvadges (inviteinge them ashoare to eat victuells which they wanted) even when the meate was in theire mouthes, they careinge only to fill their bellies, foresaw not to prevent this danger which befell them." *British State Papers, Colonial*, vol. III, No. 21, I. *Colonial Records of Virginia, State Senate Doct., Extra, 1874*, p. 73.

silver existed in Virginia in great quantities, the dissipation of which weakened the interest of a large and influential number of the members of the London Company in the Virginian colony,[1] John Smith alone of the prominent leaders had a proper conception of what were the true elements of wealth in the new country, although he acknowledged that the indications of the presence of the precious metals in Virginia were so strong as to justify the indulgence of the hope that they could be drawn from its soil. In 1608, however, when the colonists were wholly absorbed in the search for gold and silver, he offered a warm and impatient remonstrance in his deep vexation that all necessary business should be deferred until the ship, which was to sail to England, had been loaded with a cargo of the supposed ore.[2] When Captain Martin proposed, in the spring of 1609, to fill the *Phœnix* with a great quantity of the sparkling dirt, Smith urged that cedar should be substituted for it. He strove to impress upon the shareholders of the Company the fact that their expectations of an immediate profit were without reasonable ground to rest on. The letter, which he,

[1] Velasco, the Spanish Ambassador in London, writing in May, 1613, to Philip III, said that they (*i.e.* the supporters of the Virginia enterprise) were discouraged, "on account of the heavy expenses they have incurred and the disappointment that there is no passage from there, *i.e.* Virginia, to the South Sea, as they had hoped, nor mines of gold or silver." Again, in July of the same year, "this plantation has lost much ground, as it was sustained by companies of merchants, who were disappointed at finding no gold nor silver mines, nor the passage to the South Sea, which they had hoped for." Brown's *Genesis of the United States*, pp. 634, 638.

[2] *Works of Capt. John Smith*, p. 408. "I have heard him (Smith) oft question with Captaine Martin and tell him except he could shew him a more substantiall triall he was not inamoured with their dusty skill, breathing out these and many other passions; never did anything more torment him than to see all necessary business neglected to fraught such a drunken ship with so much guilded dirt."

as President of the Colony, addressed in 1608 to the Treasurer and Council for Virginia in London, although written with soldierly brusqueness, is a lasting monument of his practical wisdom in grasping the conditions that had to be conformed to if the settlement was to be placed on a permanent footing. It stamps him as the real founder of Virginia, the one man who early recognized, and who labored hard while in power to carry out the true principles of action which should have been followed by the small band of colonists planted on the Powhatan, principles only adopted by his successors after a useless waste of life and treasure.[1]

The sound judgment prompting Smith to oppose, in the situation of the Colony at that time, the search for gold, impelled him also to discourage for the present all attempts to find the South Sea by sending expeditions into the Monacan country. The hope that the settlers in Virginia would discover an overland route to that sea was hardly less vivid in the minds of the members of the London Company than that gold and silver would be found in the Colony. A desire to throw open a new highway to the Indies by sailing westward was the principal motive governing Columbus when he set out on his immortal voyage from Palos, and that motive in a modified form remained dominant in the Spanish mind until Magellan penetrated the Straits which bear his name. The determination to discover a passage to the Orient

[1] *Works of Capt. John Smith*, p. 442. These principles were, first, to keep the savages always in awe of the settlers, and, second, that the settlers should rely upon the fertility of the Virginian soil and their own industry for their subsistence, instead of looking to England for support, as was the case for so many years. If these two principles had been strictly followed, the massacre of 1622 would not have occurred, and the growth of the Colony in all the elements of strength and prosperity would have been steadily maintained from the beginning.

by the northwest arose among the English because the Spaniards were in possession of Cape Horn, and the Portuguese of the Cape of Good Hope. All the efforts to find a water highway to the China seas by the northeast clear of obstruction from ice had by 1576 ended in melancholy failures. A company, afterwards designated as the Russia or Muscovy, had been organized in 1554 for the ostensible purpose of exploring "lands, countries and islands hitherto removed from the knowledge of or unfrequented by the English," but really to obtain access to Asia by way of the stormy headlands of Norway and Siberia. The true character of the Northern Seas was at that time unknown. The fate which overtook a portion of the little fleet participating in the first expedition is one of the most tragic in the whole record of the voyages in the Arctic Ocean, calamitous as so many of these voyages have been.[1] The crews of two of the ships perished in the floes of the North. The third vessel made its way into the White Sea, and its commander disembarking upon the coast near Archangel, travelled overland to Moscow, and there holding an interview with the Emperor, laid the foundation of a great trade with the Russian Empire and through Persia with the East. The subsequent expeditions to discover the Northeast Passage were equally unsuccessful in accomplishing that purpose.

The search for the Northwest Passage began in earnest in 1576 with the first voyage of Martin Frobisher,[2] who had secured with some difficulty from the Russia Company a license to sail towards the northeastern parts of

[1] The nearest approach to it in horror is to be found in the history of the Jeannette Expedition. Some of the companions of the heroic De Long escaped, while the crews of the two vessels which remained with Sir Hugh Willoughby perished to a man.

[2] A full account of Frobisher's voyages will be found in the third volume of Hakluyt. See also Anderson's *History of Commerce*, vol. II, p. 143.

America, with a view of disclosing to the world the new route to India which was confidently supposed to lie in that direction. The utmost diligence was also to be shown in looking for indications of gold in the new lands to be visited on the way. The discovery of Frobisher's Straits was the only substantial result of this costly voyage, although the commander for a time flattered himself that he had found ore of extraordinary richness. In the second voyage, which was made in 1577, he returned to the spot in the vicinity of the Straits where he imagined there were deposits of metal, and leaving there the miners he had brought with him, he penetrated into Hudson's Bay under the impression that it was the open passage to the South Sea. Further exploration showing the incorrectness of this notion, he reversed his course, and loading his ships with cargoes of worthless stones, thinking that they were rich in gold, sailed for England. In 1578 he set out upon his third voyage in company with a large band of miners, and returned home with three hundred tons of material supposed to contain the precious metals, but which proved to be without value. The enormous sum of twenty thousand pounds sterling, equal in purchasing power to about five hundred thousand dollars in modern currency,[1] was subscribed to sustain these three voyages of Frobisher, Queen Elizabeth alone furnishing four thousand pounds of this amount, while among the other

[1] It is almost impossible to give with exactness the purchasing power of a pound sterling in the long period covered in this work, as compared with the purchasing power of the pound sterling or American dollar in the present age. I have adopted the ratio of 5 to 1 as approximately correct only. See Brown's *Genesis of the United States*, p. 810. A pound sterling is there given as equal in value to $20 or $25. This was in the early history of Virginia. The decline in the purchasing power of the pound sterling as the century progressed could not have been very great. In the sixteenth century the ratio was probably as high as 7 to 1.

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celebrated persons who invested in them were Burleigh, Leicester, Sydney, Gresham, and Walsingham. One hundred and twenty men were dispatched in the third voyage to erect a temporary settlement on the shores of Frobisher's Straits, but so eagerly did the members of the expedition throw themselves into the search for gold that all thought of a colony was forgotten.

In 1583 special letters patent for the discovery of a Northwest Passage were granted to Adrian Gilbert and his associates, but this scheme had no practical results.[1] Beginning his exploration in 1585, Captain John Davis, like Martin Frobisher, made three voyages to the Northwest, the only valuable fruit of which was the discovery of Davis' Straits; these Straits, Davis himself confidently thought, were the main entrance to the South Sea in that part of the globe. The second and third voyages proved to be entirely barren, the explorer remaining under the impression that the magnificent sheet of water, to which his name has been given, was a highway for ships to the India seas. In 1593, after an interval of a few years, the Russia and Turkey Companies united in sharing the expense of sending out two vessels of light tonnage for the discovery of the Northwest Passage; Captain Weymouth, who was placed in command of the expedition, was instructed to sail as far into Davis' Straits in the general direction of China as the waters were navigable. This expedition proved to be fruitless. In 1602 Captain Weymouth was sent upon a second voyage in search of the passage by a number of London merchants. In 1606 the Russia and Turkey Companies dispatched Captain Knight towards the Northwest, but part of his mission was to explore for gold and silver mines.[2]

[1] Anderson's *History of Commerce*, vol. II, p. 157.

[2] In the year (O. S.) in which Jamestown was founded, James granted

It was entirely reasonable that the London Company should have looked upon the discovery of a route to the South Sea through Virginia as one of the principal objects to be accomplished by their enterprise. Doubtless the fact that so many members of the East India Company were also interested in the London, had a marked influence in creating and sustaining the determination to find a passage to the Indies by way of the Powhatan, but it can be easily seen that apart from the benefit which would result to those members who wished to carry on in their own private capacity a direct trade with the East, it would have been an incomparable advantage to the London Company as a body to have had in its territory the shortest highway to all the wealthiest nations of Asia. The words of Ralph Lane, already quoted, were just as applicable to the colony at Jamestown as to that at Roanoke; nothing, he declared, but the discovery of a good mine or a passage by water or land to the South Sea could bring the country in request in England as a desirable place for settlement.[1] The managers of the London Company were fully aware of the force of these words, independently of the immediate profit that would flow to the members of their organization from the possession of a mine, or the entrance to the East by way of the West. The instructions given to the leaders of the first voyage in 1606 were

a license to Richard Penkevel to discover a passage to the east by the north, northeast, or northwest (*Fœdera*, vol. XVI, pp. 660–663). In 1609 Henry Hudson, moved by a suggestion which Captain John Smith had made to him, to the effect that the Atlantic and Western oceans were connected north of Virginia by means of an open sea, explored the coast line as far as the river now bearing his name. He was finally left to perish, by a mutinous crew, while engaged in the attempt to find the passage to the Indies through American waters.

[1] The correctness of this statement is confirmed by the letters of the Spanish Ambassador, Velasco, written many years afterwards. See Brown's *Genesis of the United States*, pp. 634, 638.

most explicit on this point. They were commanded to observe whether the river on which they were ordered to establish themselves, sprang from mountains or from a lake. If from a lake, the journey to the South Sea could be accomplished with ease and dispatch, as it was most probable that a river ran into the lake from the direction of the sea. Reference was made to the coincidence of the Volga, Tanis, and Dwina; these famous streams had their fountains near the same spot, but emptied into seas lying widely apart. In selecting a river upon which the plantation was to be placed, the colonists were instructed, in case it had two main branches, to follow the one that bent most towards the northwest, since it was by going towards this point of the compass that the other sea would be the soonest reached.[1]

The belief in England that the South Sea lay only a short distance overland from the Chesapeake Bay had, probably, been created by the reports which Ralph Lane recorded in his account of the Roanoke Colony. Lane had been informed by the Indians that from one of their villages, not far from Roanoke, it required only a journey of thirty days to arrive at the head of the Moratoc River, and that its waters there gushed out of an enormous rock situated so near to the sea that the waves of the latter very often, in heavy storms, mingled with the stream as it poured from the rock, causing it to become brackish to the taste. The hope of gazing upon this sea with his own eyes had prompted Lane to make a voyage of one hundred and sixty miles into the country by way of the river, he and his companions enduring unexampled hardships before they were forced to abandon their design. In undertaking this expedition, they had the active encouragement of Mr. Hariot, a member of the Colony, and among the most cele-

[1] *Works of Capt. John Smith*, p. xxxv.

brated men of his age for scientific attainments, and one who was thought to be especially trustworthy in his geographical views.[1]

Lane was anxious to discover a harbor on that part of the coast where the Chesapeake Bay lies, and his recommendation as to the course to be pursued, in case such a harbor was found, evidently made a strong impression on those who were interested in the voyage of 1606.[2] He declared that the journey in the search of the South Sea should begin from this harbor. It would require four days to pass to the river Choanoke, at which point in the route a fort should be erected; entrance should then be made into the Choanoke province, and a day would be consumed before the town of the Mangoaks could be reached; the journey should then proceed along the line of the Moratoc until its fountain-head and the salt sea had been arrived at, care being taken to build forts also on this part of the course for the defence of all the expeditions which hereafter should go that way. Lane asserted that by following this route, a gain of four days would be secured in travelling into the heart of the country.[3]

[1] Hakluyt's *Voyages*, vol. III, pp. 314, 316.

[2] Lane had visited the modern Hampton Roads. "To the Northward" (*i.e.* from Roanoke), he wrote, "our furthest discovery was to the Chesepians distant from Roanoke about 130 miles; the passage to it was very shallow and most dangerous by reason of the bredth of the Sound and the little succour that upon any flawe was there to be had." The Chesapeake tribe was seated upon the southern side of the great body of water situated at the mouth of the Powhatan. It is evident that Lane, in making his way in, failed to discover the channel, which lies close to the northern shore (Hakluyt's *Voyages*, vol. III, p. 312). For this reason he did not consider it a "safe harbor."

[3] Hakluyt's *Voyages*, vol. III, p. 317. It is interesting to note that this suggestion of Lane was carefully borne in mind by the English when they had many years afterwards established themselves permanently in Virginia. In the report which Francis Maguel made in 1610 to the Spanish Council of State, as to what he had observed in the course of his

Only a few days after the colonists of 1606 selected Jamestown Island as the place of settlement, Newport began to fit out a shallop to continue the exploration of the Powhatan towards the west in obedience to instructions received from the Council in England. The party who were chosen to accompany him were five gentlemen, four mariners, and fourteen sailors. The insignificance of the vessel, and the smallness of the number of persons forming the force, show very plainly that both Newport and his companions supposed that the journey from sea to sea would be short, and, therefore, required no elaborate preparations for its successful performance.[1] This impres-

recent residence in that country, he declared that the colonists, in order to acquire mastery of the South Sea, had "determined to erect a fort at the end of every day's march of the ten days' march which lay between the head of their river and the South Sea * * * This they hope to accomplish in a short time, because they do not intend to fortify them very strongly, but only so much as would suffice to defend themselves against these savages." Spanish Archives, Brown's *Genesis of the United States*, p. 397.

[1] The object which the Council in England had immediately in view in instructing Newport to explore the river upon which the settlement was to be made, as far as it was navigable, was not to discover the distance to the South Sea, but to enable the colonies to choose the "strongest, most wholesome, and fertile place" as a site of their proposed town. *Works of Capt. John Smith*, p. xxxiv. It is impossible, however, not to believe that in the state of geographical knowledge prevailing at that time, the principal hope animating Newport and his companions in the voyage to the Falls related to the existence of the South Sea at a point attainable from the head of the stream which they were navigating. This is to be inferred from the account given in the *Relatyon of the Discovery of our River* (p. xli), written by one of the persons who took part in it. In an interview with an Indian, who laid out the course of the river, "he told us (that is, Newport and his company) of two Ietts in the Ryver we should passe by, meaning that one whereon we were, and then come to an overfall of water, beyond that of two Kyngdomes, which the Ryver runs by, then a great distance off the Mountains Quirauk as he named them, beyond which by his relation *is that which we expected.* (That is, the South Sea.) This fellow parting from us promised to procure us

sion, which seems to have been shared by Englishmen of that age in general, appears remarkable when it is recalled that Sir Francis Drake had, many years before, in his circumnavigation of the globe, sailed along the western coast of North America. It can only be adequately explained on the ground that the knowledge of longitudes at that time was grossly defective. Interrupted in their voyage by the Falls,[1] the members of the expedition returned to Jamestown. Newport, on his arrival in England, having no certain report to make as to the proximity of Virginia to the South Sea, contented himself, as we have seen, with announcing the discovery of gold in the Colony.

The unfavorable issue of the voyage to the Falls did not seriously diminish the hope which the Company had of finding a route to the East through Virginia. This hope was afterwards sustained by further information received from the Indians. Captain Smith, who, at a later period, deprecated so earnestly and so properly the subordination of the practical interests of the Colony to the advancement of schemes looking to the discovery of the South Sea, was, in the beginning, one of the chief instruments in giving substantial ground to these sanguine expectations. During his captivity, which occurred only a few months after the

wheate if we would stay a little longer, but we coming by the place where he was with many more very desirous of our Company, stayed not, as being *eagre of our good tydinges.*" When the Falls were reached, Newport decided to return to Jamestown, in opposition to his own wishes and the earnest request of his companions, simply to please the Indian king ("with whome and all of his command, he had made so faire way"), who objected to the English passing into the country of his enemies, the Monacans. The order of the Council had directed Newport to follow the river only as far as it was navigable. It will be seen that he does not give this as his reason for turning back, but merely his desire to gratify his Indian host.

[1] The expression used is, "Having ended thus of force our Discovery." *A Relatyon of the Discovery of our River*, p. xlvii.

landing on Jamestown Island, he was informed by Opechancanough that a salt sea was to be found within four or five days' journey of the Falls. This statement was confirmed by Powhatan, who declared that some asserted that it was five days', some six, some eight days' journey from the Falls to the place where the salt waters, dashing in the fury of great storms against the boulders, among which the river had its fountain, had often caused that stream to be brackish in its flavor. Powhatan gave a description of the dress worn by the inhabitants of these countries towards the setting sun, and the ships in which they travelled, showing that they belonged to civilized nations. An Indian prisoner of Powhatan, who was probably one of the tribe of Monacans, occupying the territory above the Falls, also reported the presence of a salt sea in the West.[1] It might be supposed, at first, that the same spirit which, perhaps, led Smith to suppress, in his earliest account of his captivity, all allusion to the attempt of his captors to beat out his brains,[2] also

[1] *Works of Capt. John Smith*, pp. 17, 19, 20.

[2] The colonists of 1607 were specially instructed in the Orders in Council which they carried over to Virginia with them, not to transmit to England "any letter of anything that may discourage others." *Works of Capt. John Smith*, p. xxxvii. It is not improbable that this is the explanation of the omission by Smith of all reference to his rescue by Pocahontas, in the *Newes from Virginia*, the only fact, coupled with the failure of contemporaneous writers to record, even casually, this striking incident, upon which any serious attack upon the truthfulness of Smith in his account of that incident in the *True Relation*, written at a later date, can rest. It is not necessary here to make a defence of Smith. That has been done with a degree of learning and ability by Mr. William Wirt Henry, the distinguished author of the *Life of Patrick Henry*, in his address before the Virginia Historical Society at their annual meeting, Feb. 24, 1882, which leaves but little to be said. This address has been published by the Society, and it is but one of the many grounds which entitle the author to the grateful appreciation of all who are interested in the history of Virginia. Special reference may also be made to

prompted him to exaggerate the prevalence among the Indians of the report that the South Sea was situated not far from Jamestown; that is to say, he desired not only to pass over in silence all that was calculated to injure the prospects of the Colony in the English mind, but also to bring out in the broadest light every fact that would increase public interest in the Virginian enterprise. The interviews with Opechancanough and Powhatan, recorded in the *Newes from Virginia*, recall very forcibly the information which Ralph Lane obtained from the Indians

Captain John Smith and his Critics, by Mr. Charles Poindexter, late librarian of the State Library of Virginia, in which strong evidence is advanced to show that the *Newes from Virginia* is in a garbled form in its present shape. The conclusions reached by Professor Edward Arber, the English editor of Smith's works, should carry great weight as being those of a man entirely free from the sectional feeling which has colored the attacks upon, as well as the defence of, Captain Smith on this side of the Atlantic. His point of view was impartial and disinterested. "Posterity will see in Smith," he wrote in the introduction to his edition, "a noble example of what a Christian Gentleman and Officer may be, may do, and may endure." The introduction, as far as made up by contributions from Professor Arber's pen, is a most striking tribute to the character and services of Captain Smith in his career in Virginia. It has been the curious fate of this remarkable man to be pursued, after death, by an animosity as unrelenting as that from which he suffered in life. His faults were upon the surface, but these faults, which are to-day reflected in his writings, were such as to excite the keenest antagonism in the minds of many persons who were thrown with him. His enemies during his life were not more bitter than his enemies have been since his death. The spirit animating the most persistent detractors of Smith has been at once puerile and ignoble. That this great man was egotistic and self-assertive, it is impossible to deny, but that he was brave, steadfast, sagacious, and far-seeing, no one will question who approaches the study of his career with the critical faculty free from all prejudice. His example and his teachings were in every instance marked by the highest practical wisdom. His services in the first settlement of Virginia were of incalculable value in their influence, and the general voice of the Colony and the State has not been incorrect in proclaiming him the real founder of the community.

on the Moratoc, the modern Roanoke, as to the salt sea in the West. That Smith, however, was stating precisely what he had been told, uncolored either by the previous relation of Lane or a natural eagerness to advance the fortunes of the Colony in England, is disclosed in the report of Francis Maguel, a Spanish subject who had passed eight months at Jamestown sometime previous to 1610. According to Maguel, the Indians asserted that on the other side of Virginia, close to the sea, there was a land, the inhabitants of which wore wide silk dresses and bright colored buckskins; that they had much gold; and that ships were in the habit of coming to that country to get from them these precious materials. Maguel even affirmed that the aborigines had shown to the English in Virginia, knives and other articles obtained by them in barter from these strangers in the West.[1] Molina, another Spanish subject who resided as a captive in the Colony for several years, stated, in 1611, that the Indians held the belief that it was only sixteen or eighteen days' journey from Virginia to the South Sea.[2]

There were three routes which might be followed in an attempt to reach its shores. The first led directly from the head of the Powhatan to the salt water and lay entirely on land. The second, after leaving the Powhatan, ran to a second river, which emptied into the South Sea. The overland journey from river to river would only consume a day and a half in its accomplishment. The third route took the direction of the northwest. At a distance of twelve days' journey from the head of the Powhatan, there were found four large rivers, fourteen leagues from

[1] Report of Francis Maguel, Spanish Archives, Brown's *Genesis of the United States*, p. 398.

[2] Report of the Voyage to Virginia, Spanish Archives, Brown's *Genesis of the United States*, p. 519.

the furthest of which, there was a fifth stream that emptied into the sixth, and this in turn debouched into the South Sea.[1]

When Smith visited Powhatan in the fall of 1608, the Indian monarch gravely informed him that his people had been deceiving the English in declaring that a salt sea was to be found in the West, and he proceeded to draw upon the ground the true map of the territories in that region.[2] Powhatan probably wished to divert the attention of the colonists from the exploration of the western countries. The sincere belief in the existence of the salt sea beyond the mountains, entertained by the Indians of Virginia, is confirmed by too many witnesses among the Europeans to be controverted by a single statement of the wily Powhatan, and one in contradiction of his own previous assertions. One reason for this belief on the part of the Indians was probably a vague report of the great lakes,[3] which to the view of the tribes dwelling on their shores were almost unlimited in the area covered by them, being considered even by their European discoverers to be inland seas of vast extent. The copper in possession of

[1] Report of Francis Maguel, Spanish Archives, Brown's *Genesis of the United States*, p. 397. Whitaker, in his *Good Newes from Virginia*, 1612, has this to say in this connection: "Sixe daies Journey beyond the mine (that is, three days journey from 'Christal Rocke,' which was situated twelve miles beyond the Falls), a great ridge of high hils doe runne along the maine land, not farre from whom the Indians report a great sea dothe runne, which we commonly call a South Sea." Brown's *Genesis of the United States*, p. 584.

[2] *Works of Capt. John Smith*, p. 124.

[3] "Beyond the mountains from whence is the head of the river Patawomeke, the Savages report inhabit their most mortall enimies, the Massawomekes upon a great salt water, which by all likelyhood is either some part of Commada (*i.e.* Canada) some great lake or some inlet of some sea that falleth into the South Sea." These are the words of Smith. *Works of Capt. John Smith*, p. 71.

the aborigines of Virginia had been obtained from natives of the lands lying to the northwest of the country occupied by the subjects of Powhatan, and doubtless information of these great bodies of water had by the same agents been transmitted to the Indians in the territory along the coast. Powhatan was also in constant communication with the inhabitants of the Northeast, among whom a knowledge of the existence of the lakes was generally diffused.[1] It is not improbable that some of the reports had reference to the Gulf of Mexico. In stating that one route to the South Sea was by way of the Powhatan to a certain point in its upper course, and thence by a short overland journey to a second river, which emptied into that sea, the Indians perhaps had the Kanawha and Ohio in mind. There seems to have been some intercourse between the tribes of Virginia and those inhabiting the country in the far Southwest. From this quarter, Opechancanough is reported to have come. It was the annual custom of Powhatan to send messengers to the "West India" to keep him informed as to the progress of events in that region.[2]

The news as to the South Sea which Smith brought back to Jamestown on his return from captivity did not at the time produce much impression upon his associates. Captain Newport arrived in Virginia during the same month, having the First Supply in charge, and he became so deeply absorbed in the search for gold in the country in the immediate neighborhood of Jamestown that he made no attempt to explore the wilderness lying to the west of the Falls. All thought of the South Sea was for-

[1] Report of Francis Maguel, Spanish Archives, Brown's *Genesis of the United States*, p. 396.

[2] Report of Francis Maguel, Spanish Archives, Brown's *Genesis of the United States*, p. 396. By the term "West India," Maguel, the authority for this statement, probably meant Mexico, and that general region of country, for the messengers are represented as "proceeding by land."

gotten for the moment. This exclusive attention to the discovery of the precious metals was perhaps chiefly due to the instructions which he had received from the Company in England. The "glad tidings" he had carried back in 1607 had no reference to the South Sea. They related to gold and silver alone. When Newport reached Plymouth in 1608, he not only had in the hold of his vessel a cargo of what he supposed to be ore, but he had also brought with him the reports that Smith had heard during his captivity, as to the proximity to Jamestown of the sea in the west; indeed, the *Newes from Virginia*, in which Smith had recorded these reports, was one of the documents that Newport took to England when he returned after the delivery of the First Supply. The cargo of gilded dirt proving to be worthless, the Company were disposed to attach a greater value to the reports as to the western sea than they would have done if the dirt when tested had shown favorable results. The most careful provisions were adopted to enable Newport, on his arrival in Virginia with the Second Supply, to penetrate to this sea by one of the routes which the Indians had referred to in their interviews with members of the Colony. There was constructed for him a barge specially devised to overcome the obstacles of the journey; it consisted of five pieces that could be taken apart and transported on the shoulders of men when mountains were to be crossed, or a portage was to be made from the head of one river to another, or falls in the streams were to be avoided.[1]

In passing up the Powhatan towards Jamestown, Captain Newport ran unexpectedly upon Captain Percy, who had been sent out to procure grain from the Indians; he ordered Percy to turn back without having performed his mission, as his boats would be needed in the exploration

[1] *Works of Capt. John Smith*, p. 434.

which was to be made towards the west in search of the South Sea. Newport felt, no doubt, as lively an interest in the discovery of a highway through Virginia to that sea as his present employers in England did, for he was a detached officer of the Russia Company, which, as we have seen, had gone to much expense to find a passage to the East Indies both by the northeast and by the northwest. If he had succeeded in discovering this passage along the line of the Powhatan, he would have entitled himself to the gratitude of both the Russia and the London Companies, and would have received a reward in proportion. He was instructed by the London Company on this occasion, as I have already pointed out, to remain in Virginia until he could bring back to England a lump of gold, or one of the lost colonists of Sir Walter Raleigh, or could report a certainty of the South Sea. Every influence, therefore, united to cause him at this time to subordinate the real interests of the settlement at Jamestown to the pursuit of the latter purposes, which the event was to prove to be so wholly impracticable.

As soon as the coronation of Powhatan had taken place,[1] Newport set out for the Monacan country, accompanied by one hundred and twenty picked men, only eighty or ninety men being left at Jamestown to prepare a cargo of clapboards for the ship on its homeward voyage. Whether or not there is good reason to think that Smith was

[1] The coronation of Powhatan took place in 1608, after the return of Newport to Virginia with the Second Supply, who brought over for the king a crown, bason and ewer, bed and furniture, and a "scarlet cloke and apparell." "Foule trouble there was to make him kneele to receive his crowne. . . . At last by leaning hard on his shoulders, he a little stooped and three having the crowne in their hands put it on his head . . . to congratulate their kindness, he gave his old shoes and his mantell to Captaine Newport." Powhatan was crowned at Werowocomoco, his place of residence on York River.

doubtful as to the existence of a sea at a comparatively near point in the west,[1] he was certainly frank and emphatic in his condemnation of the search for it at the expense of the welfare of the Colony at that time. He held the very just opinion that the attention of all should be exclusively directed to the establishment of the Jamestown settlement on a permanently safe footing before an expedition should be dispatched to penetrate the wilderness in the west. When the *Phœnix* was on the point of returning to England in 1608, Radcliffe, who was then the presiding officer in Virginia, was desirous that the commander of the vessel should be able to carry over favorable reports as to the country beyond the Falls; he therefore ordered Smith to train a body of sixty men for the exploration of the territory, but to the satisfaction of the latter, the project was frustrated by the obstinacy of Captain Martin, Smith himself preferring to make the expedition to the west when he had "less charge and more leisure," believing that an uncertain discovery ought to be deferred to a time when the needs of the Colony had been fully supplied.[2] In December, 1608, instead of leading a band of men into the Monacan forests, in which direction the South Sea was only to be found, but where there was either little maize, or if much, no means of transporting it to Jamestown, he proceeded by water with a large company to Pamunkey in the hope that he might, in spite of the late season, secure the grain needed for the support of the settlers.[3] It was said at the time that had the same voyage been made in October, November, or the early part of December, a ship of forty tons might have been freighted,

[1] See his opinion, already quoted, as to the character of the water which the Indians reported as lying in the west or northwest. *Works of Capt. John Smith*, p. 71.

[2] *Works of Capt. John Smith*, p. 409.

[3] *Ibid.*, p. 463.

and twice as much obtained on the Rappahannock, Potomac, and Patuxent Rivers; as it was, Smith and his companions, on their return to Jamestown, were only able to deliver to the Cape Merchant, the person in charge of the public store of provisions, two hundred pounds' weight of deer suet, and four hundred and seventy-nine bushels of maize.

The earnest opposition which Smith showed to the expedition into the Monacan country, undertaken by Newport, was attributed by the latter to a secret desire to prevent the discovery of the South Sea then, in order that Smith might enjoy the honor at a later date,[1] but whether this suspicion as to his motives was just or not, the ground which he took was in keeping with his practical good sense, and the wisdom of his views was fully borne out by the issue.

By 1613, the expectation in England that a route to the South Sea would soon be found by exploration of Virginia towards the west had greatly declined,[2] but the hope of such a discovery lingered in the Colony for many years. One of the reasons which caused the Company to congratulate itself on hearing in 1621 that the Indian emperor had entered into a league of friendship with the settlers was, that this would offer an opportunity to make a further search for this sea, and in the expedition of Pory, in the course of the same year, into the territory towards the south, the proximity of that sea was always in his mind.[3]

[1] *Works of Capt. John Smith*, p. 435.

[2] Velasco to Philip III, Spanish Archives, Brown's *Genesis of the United States*, pp. 634, 638.

[3] Purchas, *Pilgrimes*, vol. IV, p. 1784, 1622, N. S. An account of this expedition was printed in a broadside by the London Company, which was afterwards embodied in the text of Purchas. The following may be quoted from it: "Some of the English (*i.e.* the members of the expedition accompanying Pory) have made relation of a China box, seen at one of the king's houses, who declared it was sent him from the west by a

As late as 1623, George Sandys, the treasurer, referred to the extreme likelihood of its being situated not far from the plantations in Virginia, and he declared that if he were furnished with a sufficient escort, he would gladly risk his life in the attempt to reach it.[1] The belief in its comparative nearness was still universal, the General Assembly in this year going so far as to say that it was only six days' journey from Jamestown.[2] In May, 1669, sixty years after the memorable expedition of Newport into the Monacan country, Berkeley, at that time the Governor of the Colony, wrote to the authorities in England that two hundred gentlemen had agreed to accompany him in an expedition to the west, which he had arranged for the discovery of the East India Sea, but that unusually heavy and prolonged rains had for that season disconcerted his plans. He petitioned that a commission should be sent to him, which would empower him to undertake the expedi-

king whose country is near the sea, he having that box from a people who come thither in ships, wear clothes, and dwell in houses."

[1] George Sandys to John Ferrer, *British State Papers, Colonial*, vol. II, No. 27; *Sainsbury Abstracts for 1623*, p. 91, Va. State Library.

[2] *British State Papers, Colonial*, vol. III, No. 7; *Sainsbury Abstracts for 1623*, p. 203, Va. State Library. It is interesting in this connection to note that when in 1626 the Governor and Council recommended the erection of a palisade from Martin's Hundred on the Powhatan to Kiskiack on the Charles or the modern York, it was urged that one benefit to result from this would be the creation of a protected area of ground, in which might be bred horses and asses that could be used in extending knowledge of the western country, and thus opening up a route to the South Sea. See Affairs in Virginia in 1626, *Virginia Magazine of History and Biography*, vol. II, p. 53. This is a copy of the original report of the Governor and Council, now in the British Public Record Office. It was believed by many that Gondomar, the Spanish Ambassador in England in 1624, had been largely instrumental in inducing James to revoke the letters patent of the London Company, because he thought that the Colony would thus be destroyed, and the gateway to the South Sea forever closed. New Description of Virginia, pp. 8, 9, Force's *Historical Tracts*, vol. II.

tion in the following spring.[1] This commission, it seems, was obtained, for in a letter written June 13, 1670, he mentions that he had recently dispatched a party of "valient and resolute" men towards the west, the infirmities of old age probably preventing him from leading them as he had at first intended. This little band was instructed to turn back as soon as they had found a rivulet running in a westerly direction, for this would be an indication that there were streams in that region which emptied into the South and East India Seas. "If the distance by land," remarked Governor Berkeley, "be not too great for traffic and commerce, nothing would be more advantageous to the wealth of England." That it was anticipated that this distance would not be very great, was shown in the fact that thirty days was the length of time prescribed for the journey to the head-waters of the first river flowing into those great oceans and for the return of the expedition to Jamestown.[2]

All hope of discovering a short and unobstructed route to the South Sea by way of Virginia was in time dispelled by a juster notion of the true physical dimensions of the North American continent. In spite of the enormous width of that continent, the modern railroad has brought the South Sea practically as near to Virginia as Newport

[1] Berkeley to English Secretary of State, *British State Papers, Colonial*, vol. XXIV; *Winder Papers*, vol. I, p. 252, Va. State Library.

[2] Berkeley to English Secretary of State, *British State Papers, Colonial*, vol. XXV; *Winder Papers*, vol. I, pp. 260, 261, Va. State Library. The party were sent out May 22, 1670. They returned "after 18 dayes, twelve of which, they were goeing and 6 retourning." See for an account of the country they traversed, the letter of Thomas Ludwell to the English Secretary of State in same volume of *State Papers;* also *Winder Papers*, vol. I, pp. 263, 264, Va. State Library. It is not improbable that this expedition anticipated the famous passage of the Blue Ridge by Spotswood and the Knights of the Golden Horseshoe in the following century.

hoped, on the strength of the Indian reports, to find it. The Atlantic and Pacific now lie only a journey of six days apart; the expedition which set out in the fall of 1608 to explore the Monacan country was hardly expected even by its most sanguine members to accomplish its object in a briefer period. The reasons making it so desirable for the English people to secure a highway to the east by way of the west have passed away. In the Canadian Pacific Railway they possess every facility for transporting merchandise across the continent for transhipment to the East, but at the present time, not only is there no bar to navigation around the Cape of Good Hope by the vessels of all nations, but the Suez Canal has shortened very much the length of the route to the modern South Sea. The passage to that sea by the North Cape has been traversed in recent years by Nordenskiold, while in 1852 McClure made his way from Behring Straits through Melville Sound into Baffin Bay, thus accomplishing what for over two centuries had thwarted the determined efforts of the bravest and most skilful seamen. The success of these two navigators was the triumph of an historic sentiment which had long come to have little practical meaning.

The third important motive, in which the colonization of Virginia had its origin, was the expectation that the new country would supply a large number of articles which the English people at that time were compelled to buy from foreign nations. The Muscovy Company had always derived the greatest part of its profits from the transportation to England of tar, pitch, rosin, flax, cordage, masts, yards, timber, and other naval stores, and also glass and soap ashes. These were the products of Russia and Poland, a large portion of the surface of these countries being covered with magnificent forests. The

area of the English forests was small and was steadily diminishing. Coal as yet had not come into use as a fuel for manufacturing. Copper at this time was imported from Sweden; iron and steel, figs and raisins, were brought from Spain. France supplied the English people with wine, salt, and canvas; Italy furnished silk and velvets.[1] Spices were introduced from the East. The acquisition of these articles, which were growing to be more and more essential to the English as their wealth expanded and their luxury increased, was subject to numerous casualties and interruptions. The Muscovy Company especially, which was the principal agent in the accumulation of naval stores in England, was exposed to many obstructive influences. First, it had to contend with the fickleness of the population and government of Muscovy; little reliance could be placed upon the stability and fidelity of either in private contracts or public treaties. The Dutch had now enlarged the volume of their trade with Russia, thus introducing a competition that curtailed the English dealings and lowered the profits of all bargains made. It was a serious drawback that the company could only send out an expedition to Russia at one season in the year, the ice of the northern waters offering at other times impassable obstacles to navigation. There was a constant danger that the King of Denmark would increase the tax imposed upon the cargoes of all foreign vessels passing into or out of the Baltic, while the Hanse communities south of Denmark were always seeking to deprive the Russia Company of the right of way in the northern seas.[2]

[1] *Works of Capt. John Smith*, p. 360.

[2] Hakluyt's *Voyages*, vol. III, p. 229. These obstacles to freedom of trade between England and the northern parts of Europe were enumerated by Captain Christopher Carlile in his discourse, written in 1583, in

The English trade with Turkey, in addition to being subject to the sentimental objection, which had extraordinary force in that age, of being carried on with barbarous infidels, was exposed to unusual risks in the passage from England, many hostile people sweeping the intervening seas with their craft. When the Turkish ports had been safely reached, the profits of the voyage were seriously diminished by the expense of the gifts that had to be made before any bargains could be closed, the value of these presents in one year, 1582, amounting, it was calculated, to nearly two thousand pounds sterling. The English trade with Italy was open to similar perils in the voyage through the Mediterranean, the Algerian pirates especially taking advantage of every opportunity to seize upon the merchandise in the English ships, and to carry off the mariners with the view of securing large ransoms in their release. In their commercial relations with some parts of Italy, the English merchants were compelled to pay heavy customs both upon the English goods which they imported into those territories, and also upon the Italian goods which they exported.[1]

The English trade with Spain and Portugal was in that age very large and profitable on account of the varied

order to induce English merchants to purchase shares in his intended voyage to America. They were just as serious in 1606 as they had been twenty-three years before; and this may also be said of the difficulties and dangers attending all commercial intercourse between England and the other countries referred to in the text. The interval of time between the composition of Carlile's discourse and the formation of the London Company had increased instead of diminishing them. See A True Declaration of Virginia, 1610, p. 5, Force's *Historical Tracts*, vol. III. A clause in this documen[t] that Denmark levied a custom in 1610 on all goods passing ou[t] Baltic, p. 23. In addition to the True Declaration of Virginia, [V]inia Richly Valued, *Ibid.*, vol. III.

[1] Brief and Summary [o]e of Christopher Carlile, Hakluyt's *Voyages*, vol. III, p. 229.

products of their vast colonial territories, in return for which the English transferred to these two kingdoms a great quantity of merchandise to be disposed of by these nations in America. Twice a year an English fleet sailed to the Spanish and Portuguese ports to make this exchange. Upon the smallest provocation, it was in the power of Spain and Portugal to lay hands upon this fleet and the sailors who manned it, and also upon the vessels of English merchants bound for Italy and Turkey. The prospect of such a seizure was always imminent in the reign of Elizabeth on account of the mutual ill-will felt by the Spanish and English nations even in intervals of peace, and at the time of the formation of the London Company, little had occurred to remove the underlying distrust existing between the two peoples. In addition to the practical drawbacks in the commercial relations with Spain, Italy, and Portugal at this time, there was a sentimental objection of a graver character than the one referred to in connection with the Turkish trade, namely, the English children, servants, and factors who were employed in these Catholic territories, were forced, it was said, to deny their own profession, and were made to acquaint themselves with that which their parents and masters utterly refused, or their own hearts abhorred as a detestable and wicked doctrine. In other words, they were compelled to submit to the Roman Church.[1]

[1] Brief and Summary Discourse of Christopher Carlile, Hakluyt's *Voyages*, vol. III, p. 229. It was characteristic of the sixteenth century that at the very time the Dutch were engaged in their struggle for national independence with the Spanish Power, Dutch fleets made periodical voyages to the Spanish dominions and carried on a lucrative traffic with the merchants of Spain. See Professor Rogers' *Holland* in the *Story of the Nations Series*, p. 163. The strained relations between England and Spain in the reign of Elizabeth do not appear to have affected for any length of time the commercial intercourse of the two nations.

So numerous were the obstacles in the way of the importation into England of the many articles produced in foreign countries, which were required by the English people, that it was asserted in 1609 that there was danger that the merchants of the kingdom would grow weary of meeting the cost of introducing these articles, and in consequence would cease to put forth any effort to obtain them. This statement had special reference to copper, iron, steel, timber, yards, masts, cordage, and soap ashes, but it was equally applicable to many other wares.[1] This fact was used as a strong argument in favor of the promotion of the Virginian enterprise, the ability of Virginia to supply England with the commodities in which it was lacking, being regarded as certain by those who were interested in the Colony, provided that it was steadily developed. As early as 1582 the hope had been entertained, and on grounds apparently entirely reasonable, that America, if settled by the English, would take the place of foreign countries in furnishing the English people with the imported articles which they needed. It was recognized very clearly at the same time that these articles were not to be obtained from that region in the greatest abundance unless plantations were established there.[2] Every voyage to North America had only enlarged the popular conception of its natural productiveness. The description which the Huguenots, the survivors of the terrible massacre in Florida in 1565, had given of the commodities of the southern part of the continent, had been confirmed by the observations of Sir John Hawkins, while the commodities of the northern part had become known by the reports of the

[1] A True and Sincere Declaration, Brown's *Genesis of the United States*, p. 340.

[2] Sir George Peckham's True Report of the Late Discoveries, Hakluyt's *Voyages*, vol. III, p. 221.

English sailors who annually visited the banks of Newfoundland to fish for cod. Sir Humphrey Gilbert, in his voyage to this coast in 1584, found it to be rich in a great variety of articles which England was in the habit of importing from foreign countries. Not only could turpentine, rosin, pitch, tar, soap ashes, masts, deal board, and wainscoting be manufactured in those lands in unlimited quantities on account of the vast extent of the pine forests, but there were unmistakable indications of iron, lead, and copper ores in the soil. It only required the skill of the refiner to convert these ores into salable bars. Copper at this time, as has been pointed out, was brought into England from Sweden and iron from Spain. The production of iron in England was limited, principally in consequence of the small area in the kingdom remaining in wood. There was no obstruction to smelting in North America on this account, the whole surface of the greater part of the country being covered with trees of enormous height and girth. Newfoundland was as rich in furs as Muscovy, otters, bears, beavers, martins, ounces, and foxes roaming the forests or haunting the streams in incalculable numbers. In procuring valuable skins from this region, there would be none of those difficulties which always impeded and sometimes put an end altogether to the trade with Russia and Poland in the same commodities.[1]

The part of the continent next explored by the English offered still more reasonable ground for the expectation that the people of England would be able to rely upon American soil for an important proportion of the supplies which they then obtained from Northern and Southern Europe and the East. The first object to strike the attention of Captains Amadas and Barlow, whom Raleigh had

[1] Sir George Peckham's True Report of the Late Discoveries, Hakluyt's *Voyages*, vol. III, pp. 219–221.

sent out to make a preliminary survey, on landing at Hatteras, was the wild grape, which grew in extraordinary profusion along the shore, on the hills and on the plains, now running over a small shrub, now climbing to the top of a towering cedar. The chronicler of the voyage declared that he had visited those parts of Europe in which this fruit was most abundant, but that the difference in quantity in favor of Roanoke was quite incredible. The adventurers were also deeply impressed by the magnificence of the trees and the variety of the natural products. The cedars surpassed the cedars of the Azores or the Indies. The oaks were larger in girth and of a greater height than the English oaks. Fields of flax were found in many places. The natives wore bracelets of pearl and pendants of copper.[1]

In the subsequent expedition, the observation of the country was more extensive, and therefore led to a fuller knowledge of its physical character. Ralph Lane, in his letter to Hakluyt, pronounced the grapes of Virginia to be larger than those of France, Spain, or Italy. Many kinds of apothecary drugs and sweet gums were to be found there, and also several species of flax and silk grass. Terra sigillata was also discovered, In short, Lane declared that "what commodities soever, Spaine, France, Italy or the Easte partes doe yeeld unto us in wines of all sortes, in oyles, in flaxe, in rosens, pitch, frankensence, corrans, sugers and such like, these parts doe abound with the growth of them all," and he added, "and sundry other rich commodities that no parts of the world, be they West, or East Indies, have, here wee finde great abundance of."[2]

[1] First Voyage to Virginia, Hakluyt's *Voyages*, vol. III, pp. 301–306.

[2] Hakluyt's *Voyages*, vol. III, p. 311. In a letter written to Sir Francis Walsingham a few weeks earlier, Lane had expressed himself to

Hariot, in a treatise which must have produced a distinct impression in England in regard to the advisability of establishing colonies in America, gave a detailed statement as to the merchantable commodities the newly explored country afforded. These commodities were: silk grass, resembling the kind imported in a manufactured form into Europe from Persia; worm silk, as excellent in texture as the silk of the same origin which the English purchased from the Italians, Spaniards, Persians, and Turks; nitre, alum, and copperas, terra sigillata, pitch, tar, rosin, and turpentine; sassafras, which had been found to be a specific for many diseases; oaks, firs, maples, hollies, and elms; cedars, which were specially adapted to the manufacture of bedsteads, tables, desks, lutes, and virginals; wines, oil of walnuts and acorns; otter and deer skins in vast quantities; iron, that could be made at the most profitable rates on account of the abundance of wood and the cheapness of labor; copper, silver, pearl; sweet gums and dyes of different kinds. And lastly, the soil and climate seemed to be favorable to the growth of sugar canes, oranges, quinces, lemons, and other tropical fruits, if the seeds were planted and properly attended to.[1]

The persons who participated in the voyages to America subsequent to the failure of the Roanoke Colony, but previous to the grant of the letters patent to the London Company, were equally impressed with the ability of the

the same effect with equal enthusiasm. "So rare, so singular the commodities of this her majesty's new kingdom of Virginia," he exclaimed, "as all the kingdoms and states of Christendom, their commodities joined together, do not yield either more good or more plentiful whatsoever, for public use is needful or pleasing for delight." *British State Papers, Colonial*, vol. I, No. 3; *Sainsbury Abstracts for 1585*, p. 73, Va. State Library.

[1] Discourse of Thomas Hariot, Hakluyt's *Voyages*, vol. III, p. 326.

new region to displace foreign nations in furnishing England with many of the commodities that its people were compelled to import. It is not at all surprising in the light of this concurring testimony, which only grew stronger as Virginia was more fully explored, that one of the main objects the London Company had in view in its formation, was to secure the trade in the articles enumerated, now carried on with Russia, Italy, France, Portugal, Spain, Turkey, and even Persia. It was impossible, however, for that corporation to absorb a large part of this trade until the Colony had been firmly established, and the population had increased to considerable proportions. Eager for the immediate profit which Smith had so justly condemned,[1] the Company permitted itself to be diverted from the steady development of its true sources of gain by expectations of finding gold or discovering a route to the South Sea. During the time it was under the spell of these hopes, it seems to have made only a small attempt to turn to account the natural elements of wealth in the Colony apart from the precious metals. In 1608 eight Dutchmen and Poles were dispatched to Virginia, who were to be employed in the manufacture of glass, pitch, tar, and soap ashes. When Captain Newport returned to England in the same year, he brought back, as a part of his cargo, the accumulation of these commodities which had been provided for him, and in his frame of mind at that time, they must have appeared to him rather poor substitutes for the lump of gold, the members of the lost colony, or the proof of the nearness of Virginia to the South Sea which he had, in leaving England, been commanded to find by the Company, the Company having been led to give him these

[1] Letter to Treasurer and Council of Virginia in England, *Works of Capt. John Smith*, p. 442.

instructions by his own exaggerated descriptions and promises.[1]

In 1610 the Council for Virginia became so much discouraged as to the prospects of the Colony, that they called Sir Thomas Gates before them, and abjured him to state with entire candor whether or not it would be wisest to abandon the action. The reply of Gates revealed that he had a just notion as to what constituted the true value of Virginia to the Company and England. "All men," said he, "know that we stand at the devotion of politick princes and states, who for their proper utility, devise all courses to grind our merchants, and by all pretences, to confiscate their goods and draw from us all manner of gaine by their inquisitive inventions, when in Virginia, a few years' labor by planting and husbandry, will furnish all our defects with honor and securitie."[2] These were also the views of Smith as to the ultimate destiny of the Colony, but he lost no opportunity to assert that it should be placed on a footing of permanency before there was any attempt to make use of its natural products in supplying the wants of England. In his memorable letter addressed to the Treasurer and Council in England in 1608, he said with reference to the manufacture of pitch, tar, glass, soap ashes, and clapboard in Virginia at that time, that it was a waste of money, as the factors of the Company could buy in Northern Europe in a week as much of these commodities as would be required to load a ship. "It were better," he declared, "to give five hundred pounds a tun for them in Denmarke than send for them hither, till more necessary things be provided, for in over toyling our weake and unskilful bodies to satisfie this desire of present profit, we can scarce ever recover ourselves from one Supply to another."[3]

[1] *Works of Capt. John Smith*, p. 435. [2] *Ibid.*, p. 504. [3] *Ibid.*, p. 445.

It is plain that Smith approved of the sentiment which Bacon expressed in his *Essay on Plantations*, "that a plantation is like the planting of woods, for you must make account to lose almost twenty years' profit and expect your recompense in the end." With a sufficient period allowed for the growth of its interests, he perhaps believed with Daniel Price, that Virginia "was not unlikely to be equal to Tyrus for colors, Basan for woods, Persia for oils, Arabia for spices, Spain for silks, Narsis for shipping, Netherlands for fish, Bonoma for fruit, and by tillage, Babylon for corn."[1] Before these fortunate conditions could be brought about, it was found that the soil was adapted to tobacco as a staple crop. The attention of the settlers was soon diverted to this plant, to the practical exclusion of all other products except sassafras, and even sassafras soon ceased to be thought of. The Company, finding that the Colony expanded and prospered, did not attempt for any great length of time to subordinate tobacco to those various commodities with which the new country had in the beginning been expected to furnish the English people, although, as will be seen, it took the most careful steps to establish vineyards and foster silk-worms, with a view of filling the place of Spain and France in supplying the wine and silk needed in England. It was the opinion of Bacon that tobacco culture had turned the thoughts and energies of the English inhabitants of Virginia away from the real objects sought in the erection of the Colony.[2] It will be discovered again and again hereafter that this opinion was entertained by James I and Charles I, and the committee in charge of the affairs of the plantations.[3]

[1] Price's Sermon, Neill's *Virginia Vetusta*, p. 46.

[2] See the *Essay on Plantations*.

[3] "The carefull and dilligent prosecuc̃on of Staples Comodities w^{ch} we

It was only finally abandoned when the volume of duties on the imported leaf had become enormous, and the increase in British shipping through the operation of the Navigation Acts, as well as by the growth of the kingdom in power, had put England in a position in which most of the serious drawbacks attending the introduction of so many articles from foreign countries had been removed or materially diminished. The urgent commands of the English authorities to successive governors and councils in Virginia, repeated again and again even after the middle of the century had been passed, that more attention should be paid to what were called the staple commodities, can only be clearly understood in the recollection of the historical fact, that one of the most powerful reasons for the establishment of the Colony was that it would supply the English people with the principal articles which they were compelled to purchase from nations not always friendly, and at rates that afforded little profit to the English merchants.

In trading with foreign nations, it was necessary to use coin to a considerable extent, not only in the course of actual exchange, but also in promoting a disposition to enter into bargains. It was calculated that the mem-

promist; we above all things pray you to p'forme so as we may have speedily the reall proof and testimonies of yo^{r} cares and endeavours therein, especially in that of iron, of Vines and Silk, the neglect and delay whereof so long: as it is of much shame and dishonor to the plantation, so it is to us here cause of infinite grief and discontent; especially forbearance is not yet Sattisfied, whereby although we might deservedly feare a diminution of his royall grace and love to the plantation, w^{ch} after so long a time and so long a supplie by his my^{ts} favor have brought forth no better fruits than tobacco, yett by the goodness of God inclyning his princely heart, etc." Extract from Letter prepared for the Colony in 1623 by order of Privy Council, Neill's *Virginia Company of London*, p. 393. Numerous additional quotations might be made in further confirmation of the correctness of the statement in the text.

bers of the Muscovy Company expended eighty thousand pounds sterling before they began to derive any gain from their transactions. The costly features of the commerce with Turkey have already been remarked upon. One of the most important grounds of complaint against the East India Company was, that it annually carried out of England thirty thousand pounds in the form of coin and bullion. It had a right under the terms of its charter to withdraw this amount, as it was needed for the purchase of merchandise in the East. The fancied evil of this drainage of specie was in time thought to be removed by the heavy exportation to other countries in Europe of the East Indian goods which had first been imported into the kingdom by the East India Company. The sale of these goods directed towards England a stream of gold and silver far greater than the original outflow.[1] It was firmly believed in that age that whenever the balance of trade was against a nation, its condition was one of great danger. The supposed constant withdrawal of coin from England in settlement of the balance in favor of the continental and eastern countries in their commercial dealings with the English people was a source of profound apprehension to English statesmen. These countries, in delivering the commodities that the English people needed, were, it was thought, unwilling to take a large amount of English goods in return, and in consequence the difference had to be covered by payment in coin. One of the strongest reasons for the formation of the London Company was, that in the future commercial relations of Virginia and England there would be little demand for money sterling, as a result of the fact that the balance of trade between the two would be in favor neither of the one nor the other, but would be kept exactly even. The anticipation of the adventurers was that the commodities of the

[1] Anderson's *History of Commerce*, vol. II, p. 200.

Colony would be exchanged for the merchandise sent over, first by the Company, and afterwards, when the Colony required a greater volume of supplies than the Company could furnish, by private traders. The principal article to be exported to Virginia by England would be woollen goods. Captain Carlile, in his discourse upon the voyage to America projected by him in 1583, after dwelling on the natural advantages offered by that country to English merchants who would invest their capital in the enterprise in which he was interested, declared that the success of the proposed action signified "a very liberall utterance of our English clothes into a maine country described to bee bigger than all Europe, the larger part whereof bending to the Northward, shall have wonderful great use of our sayde English clothes after they shall come once to knowe the commoditie thereof."[1]

Sir George Peckham, in enumerating the benefits to arise to the whole realm of England from the establishment of colonies beyond the Atlantic, wrote that it would be especially promotive of the trades of clothiers, woolmen, carders, spinners, weavers, fullers, shearmen, dyers, drapers, cappers, and hatters, and he predicted that the former prosperity of the towns now gone to ruin on account of the increased export of raw wool to continental Europe would be revived to its original proportions.[2] Ralph Lane, in his statement of the peculiar advantages which the country in the vicinity of Roanoke possessed, which should induce the English to colonize it, was care-

[1] Hakluyt's *Voyages*, vol. III, p. 231.

[2] *Ibid.*, p. 218. The same hope was entertained by the author of the *Nova Britannia*, who wrote many years later, "Cloth will always have to be brought from England. . . . When the colonies are well grown and the savages are brought to civilization, they will need a great abundance of cloth and this business will once more flourish in England."

ful to say that the "natives were very desirous to have clothes but of coarse cloth rather than silke. Coarse canvas they also like well of."[1] The significance of these words lies in the term "coarse cloth," as this made up at this time the great bulk of English woollen manufactures, the English looms not being yet able to compete with those of the Netherlands in the production of the finest stuffs.

The future importance of Virginia as a market for the sale of woollen goods was touched upon in the paper to which reference has already been made, namely: "Reasons for raising a Fund for the Support of a Colony at Virginia." The author of that able and practical document evidently thought this to be one of the weightiest considerations in favor of its settlement. "It is publicly knowne," he remarked, "that traffique with our neighbor countries begins to be of small request, the game seldom answering the merchantes' adventure, and forraigne states either are already or at this presente are preparing to inrich themselves with woolle and cloth of their owne, which heertofore they borrowed of us, which purpose of theirs is being achieved in Fraunce, and it hath been already in Spayne and Italy; therefore, we must of necessity foregoe our greater showing if wee doe not wish to prepare a place fit for the vent of our wares."[2]

Virginia, it will be seen, was not only to take the place of the old markets England at this time was losing in continental Europe, but it was to create new markets in which a vast quantity of English goods was to be disposed of in return for natural commodities. The anticipations of those speculative reasoners who, according to David Hume, foretold that the American colonies, after partially draining the mother country of inhabitants,

[1] Hakluyt's *Voyages*, vol. III, p. 311.

[2] Lansdowne MSS., Neill's *Virginia Vetusta*, pp. 29, 30.

would shake off her yoke and erect an independent government of their own, have been shown to be correct by the issue of subsequent events. But England gained incalculable advantages from the erection of these colonies. From the foundation of the settlement at Jamestown in 1607 until the present day, she has, in spite of the protective system of the United States, possessed a market in this country which has added in the course of that long period of time countless millions to her accumulated wealth.

It was very justly anticipated by those who were interested in the London Company, that the growth of the Colony on the Powhatan would promote the growth of British shipping by swelling the volume of ocean freight. The more prosperous that Colony became, the greater would be the demand for English vessels in the transportation of merchandise from England to Virginia, and in the transportation of agricultural products from Virginia to England. A new school for the training of sailors would thus be created, an advantage that would be felt not only by the merchant marine of the kingdom, but also in its naval defence in case of an attack by a foreign power.[1] At the time when the formation of the Virginia Companies was under consideration, the complaint was publicly urged that the English seamen were daily running to other nations "for wante of employment and cannot be restrained by anie law when necessatie in-forseth them to serve, and hire of a stranger rather than serve at home."[2] In consequence of the unprofitableness of shipping, the merchants were disposing of their large vessels and retaining only their

[1] Nova Britannia, p. 17, Force's *Historical Tracts*, vol. I.

[2] Reasons for the Raising of a Public Fund, etc., Brown's *Genesis of the United States*, p. 38.

small. In one of the most remarkable papers of that age,[1] Raleigh pointed out that the Dutch had engrossed the far greater part of the carrying trade of Europe. Our own ships, said he, in substance, lie still and decay, or else go to Newcastle for coals. The English send into Holland hardly fifty vessels during the course of a year, while the Hollanders send into England five or six hundred. To Elbing, Konigsberg, and Dantzick and the other cities in the East countries, the English annually dispatched but one hundred ships, the Dutch three thousand; the Dutch annually built one thousand vessels, of which a large number found lucrative employment in transporting English manufactured goods to the various peoples of Europe.

It is not remarkable that there should have existed among the English people, when Raleigh wrote this paper, a feeling of doubt as to their ability to compete with the Dutch even in the English carrying trade, when the point to which the goods were to be transported was a foreign country,[2] but when the place of destination was an English plantation, it was quite natural and just, and the event confirmed the view, that they should expect that English shipping would then have more chance of development, because it would be in the power of the English government to control the carrying trade of its

[1] Observations concerning the Trade and Commerce of England with the Dutch and other Foreign Nations, Anderson's *History of Commerce*, vol. II, pp. 216–219.

[2] The superiority of the Dutch in all maritime affairs was regarded by many Englishmen with a feeling of shame on account of the total lack of timber in Holland, which rendered the supremacy of its people in maritime commerce all the more remarkable. "The mere mention of the advantage that they have," exclaimed the author of *Nova Britannia*, "should make us blush and bind us (*i.e.* Englishmen) not to remain inferior."

own Colony. The establishment of the American settlements was the first step on the part of the English people towards a successful competition with the Dutch merchant marine. That the English authorities should have shown so much opposition to the commerce that sprang up between Virginia and Holland at an early period, was precisely what was to have been anticipated, that Colony having been founded to be a market where English wares were to be exchanged for Virginian commodities; if Dutch bottoms were to be allowed to take the place of English, in transportation to and from Europe, and if Dutch goods were to be permitted to exclude English goods from Virginia, and Virginian commodities were to be sold in Dutch markets instead of in English, then one of the main purposes of colonization would end in failure. It was principally to secure a monopoly of the carrying trade of the American dependencies that the famous Navigation Acts were passed, and they were eminently successful, so far as Virginia was involved, in accomplishing their object.[1]

An additional reason urged in favor of forming a company for the colonization of Virginia was, that the settlement of that country would furnish a vent for the surplus population of England. Sir George Peckham, writing about 1583 on the subject of Western Plantations, had anticipated this argument in his declaration that if a colony were established by the English in America,

[1] Professor Rogers, in his *History of Agriculture and Prices in England*, vol. V, p. 444, expresses doubt as to whether the Navigation Acts promoted the growth of the English mercantile marine. "English commerce and English shipping grew," he remarks, "but not so rapidly as to prove these Acts could be credited with the result." Professor Rogers was an uncompromising advocate of the freest trade. Cunningham takes a different view of the influence of the Acts. See *Growth of English Industry and Commerce*, pp. 112, 113.

employment would not only be created for a great number of men who passed their time in idleness, and were burdensome to the community in which they lived, but also for children under fourteen years of age, and for women who had no honorable means of support. The men might be engaged in working mines and in cultivating the fields, and the women in gathering cotton and spinning hemp. The attention of the children could be directed to a thousand different tasks.[1] Christopher Carlile expressed similar views. The people, he said, in consequence of the long peace, had increased so much, that a large number were brought up in the homes of their parents without any instruction as to how to earn a livelihood when those parents died. They were often driven into disorders and led on from one shameful end to another. With the opportunities of a new country thrown open to them, not only was it probable that they would refrain from falling into evil courses, but also that they would become prosperous and rise to honor and distinction.[2]

In the light of the present dense population of England, it seems remarkable that the number of its inhabitants in the sixteenth century should have been considered too great for safety. To overcrowding were attributed the terrible plagues that created so much havoc in that age.[3] The same dangerous condition was thought to exist in the early part of the seventeenth century. The authors of the *True and Sincere Declaration*, issued in 1609,

[1] Hakluyt's *Voyages*, vol. III, p. 219. The term used is "gathering cotton."

[2] *Ibid.*, vol. III, p. 232.

[3] Virginia Council and Company to Lord Mayor of London, Brown's *Genesis of the United States*, p. 252. The expression used is: "A swarme of unnecessary inmates as a contynual cause of dearth and famine and the very originell cause of all the plagues."

assert that there was an imminent prospect "that the number and infiniteness of the people will outgrow the matter whereon they worke for their life and sustentation, and shall one infest and become a burthen to another."[1] The overflowing population was compared to blood that was too great in quantity to be held in the walls of the veins,[2] or to swarms of young bees in the month of June.[3] The suggestion of Sir George Peckham and Christopher Carlile with reference to making America a refuge for the unemployed poor, found hearty approval among the supporters of the Virginian enterprise. Dale expressed the prevailing sentiment of the Company, when he stated in his letter to Secretary Winwood, written in 1616, that Virginia was an admirable country for the "emptying of the full body" of England.[4] The Colony did not realize the hopes of its founders in this respect. The population of England continued to increase without any substantial diminution of the extreme poverty among the lower

[1] Brown's *Genesis of the United States*, p. 340. The author of *Nova Britannia* wrote: "Unless we take measures to found new colonies, the earth will not suffice to sustain the overwhelming number of human beings." Rev. William Crashaw, in the celebrated sermon which he preached before Lord Delaware and the Council for Virginia in London in February, 1609 (O. S.), declared that the colonization of the territory along the Powhatan would "rectifie and reform" many disorders in England, which "in this mightie and populous state are scarce possibly to be reformed without evacuation." Brown's *Genesis of the United States*, p. 368. Velasco, the Spanish ambassador in London, went so far in 1611 as to say in a communication to his sovereign, that the principal reason influencing the English in their settlement of Virginia was, that the Colony "would give an outlet to so many idle and wretched people as they have in England, and thus to prevent the dangers that may be feared from them." *Ibid.*, p. 456. See also letter of Gondomar to Philip III, *Ibid.*, p. 681.

[2] Copeland's Sermon, Neill's *English Colonization of America*, p. 157.

[3] Virginia Britannia, Brown's *Genesis of the United States*, p. 288.

[4] Brown's *Genesis of the United States*, p. 783.

classes, but beyond the Atlantic there was a land which an ever-expanding number of English emigrants, who belonged to these classes, were seeking each year, and where they were finding the opportunities for improving their condition that were not open to them in their native country.

The colonization of Virginia was considered by some to be highly advisable because it would raise a barrier in the West against the Spanish Power.[1] Sir Thomas Dale gave expression to this view when he declared that the plantation on the Powhatan would put a bit in the mouth of the ancient enemy of England.[2] The strategic advantages of the situation were recognized by the Spaniards themselves, and their failure to remove the Colony is only explicable on the ground that they anticipated that an expedition to destroy it would either be unsuccessful, or would precipitate a contest with England. In attacking the Huguenot settlement in Florida, they were perfectly aware that the act was not likely to arouse a lasting feeling of resentment in the Catholic French government, as the colonists were Protestants who had left their native country in order that they might have the full enjoyment of their religious belief. The massacre of the Huguenots at Fort Caroline in 1556, did not equal in atrocity the massacre of the Huguenots at the feast of St. Bartholomew in Paris many years later. Religious zeal atoned for the terrible crime on St. John's River.[3] It was, however,

[1] "A Bulwarke of defence, in a place of advantage, against a stranger enemy," A True and Sincere Declaration, Brown's *Genesis of the United States*, p. 340.

[2] Dale to Secretary Winwood, Brown's *Genesis of the United States*, p. 783.

[3] "Not because they were Frenchmen but because they were Lutherans," was the exclamation of the Spaniards after the completion of the massacre.

not easy to repeat that crime on the banks of the Powhatan, as the settlers there belonged to a Protestant nation, whose people as a mass would have retaliated upon the Spaniards if they had ventured to murder the English in Virginia, or to carry them off as prisoners of war. The pusillanimous monarch who then occupied the throne of England could not have restrained the spirit of vengeance that would have arisen in his subjects. The awe with which the Spanish Power had for so many years been regarded by the English people had steadily weakened, until at the time of the foundation of the Jamestown Colony, the fangs of the lion had in the opinion of most of the leading men in the kingdom been hopelessly impaired if not drawn altogether. Zuniga, writing to Philip III from London in April, 1609, reported that it was thought in England that Spain had even then sunk into such impoverishment that it would be unable to prevent the erection of fortifications in Virginia.[1] The author of *Nova Britannia* proudly declared that "with a mere handful of people we invaded their best and strongest fortified places, because for want of men they were so poorly defended that we could easily have overrun the whole country and reduced them to very narrow limits a long time ago if we had followed up our good success. But now that we have passed on without driving them from their settlements, and God in his mercy has given us another country so remote from their habitation, what reason is there that any one should be offended by our great success or feel envious, or if they are envious, why should we attach any weight to it, or why fear to enlarge ourselves? Where is our ancient might and power? Where is that great reputation sleep-

[1] Spanish Archives, Brown's *Genesis of the United States*, pp. 258–259.

ing now that we won so few years ago? Let not the world be deceived, we are the same now we were then, and they would soon see it if they were to give us a chance, since with the blessing of God we are more powerful now than we were then, those parts being now enclosed and in good order which at that time were open. Our plant has taken root, the branches are green and very desirous to spread out."[1]

This was the spirit of the English race, which had to be reckoned with before a hand was raised to strike a blow at the infant settlement on the Powhatan. The English ambassador at Madrid, who was constantly reporting to his government the rumors afloat as to expeditions to be sent out by the Spaniards against Virginia, stated as the result of his observation that "for their doing anything by ye way of hostilitie, I conceive they will be very slowe to give England (who is very apte to lay holde on any occasion) so juste a pretence to bee doing with them."[2]

[1] New Britain, Brown's *Genesis of the United States*, pp. 262–263. See the original, Nova Britannia, pp. 7–8, Force's *Historical Tracts*, vol. I.

[2] Digby to Carleton, June 20, 1612, Brown's *Genesis of the United States*, p. 561. See also the letter addressed to Salisbury by Cottington, who was the English ambassador at Madrid in 1611. *Ibid.*, p. 472. Referring to a rumored expedition against Virginia from Havana, he wrote, "I doe give it soe little credit knowing ye poure abylyty of this State that I am almost ashamed to advertyse it unto your lordship." There is an interesting series of reports in the British Public Record Office, which Digby transmitted to London from time to time, as to movements of the Spanish government, directed, as he thought, although without ground as the result proved, against the Colony in Virginia. These reports show that this English ambassador was constantly apprehensive of attack. There is, however, no reason to doubt that Digby was largely under the influence of the mistaken notion prevailing in that age as to the vastness of the power of Spain, an opinion which lingered long after that power had really passed away. Cottington, although clearly aware of the uneasy feeling among the Spaniards, does not seem to have yielded even for a moment to the fear that the Colony in Virginia was in danger of an attack

This opinion was entirely confirmed by the course of events. Although the successive Spanish ambassadors in London repeatedly expressed to their sovereign their firm conviction [1] that the English would not abandon their colony in Virginia, nevertheless, the opposition of that monarch was never shown beyond an occasional remonstrance, nor of his subjects beyond an expression of apprehension on account of the national possessions in the West Indies. The only expedition dispatched was restricted to one reconnoitring ship, the officers in command of which were so fearful of the English that they returned without having attempted to reach their place of destination.[2] The impotence and timidity of the Spanish nation were most strikingly revealed in the contemptible stratagem to which it had recourse in the mission of Molina, who, acting under instructions from his government, allowed himself to be captured at Old Point Comfort in order that he might make an examination of the condition of the Colony.[3] Those who administered its affairs were

by a Spanish force. See his second letter, dated April 23, 1611, in the *Genesis of the United States*, p. 472.

[1] An instance may be cited in the letter of Zuniga, Spanish ambassador in London, written to Philip III in 1609, now on file in the Archives of Simancas, Department of State. A copy of this letter is given in Brown's *Genesis of the United States*, pp. 243–247.

[2] This expedition was directed against Bermuda. "The sayd ship is returned without having donne anything, alledging that thei by no means could finde the Islande. But by examination yt is probable that thei were afrayd to come neere yt bycause of the Englishe." Digby to Carleton, under date of May 22, 1613, Madrid, Brown's *Genesis of the United States*, p. 634.

[3] Report of the Voyage to Virginia, Spanish Archives, Brown's *Genesis of the United States*, p. 511. The first plan, it appears, was to send out the Earl of Arundel, an English nobleman who was in the secret service of Spain, "under the pretext of a voyage of discovery and that in the Canaries or in Porto Rico, he would take on board his ship, the person whom the King (of Spain) would send to him as a man who was

confident that they could repel an attack of the Spanish Power even if that Power had had the boldness to make it. "A few men in Virginia," they declared in 1609, "may dispute the possession of any place, wherein they were fortified, where the enemy is so much a stranger that he must discover and fight at once; upon all disadvantages of streights, fords, and woods; and where he can never march with horse nor with ordnance without them; nor can abide to stay many months when all his relief must be had from his ships, which cannot long supply a number competent to besiege. Neither is it possible to block us up by planting between us and the sea, the rivers being so broad and so many outlets from them into the Bay. Besides the protection and privilege of subjects to so potent a King whom any wise estate will be wary to affront or provoke."[1]

Substitute Kingdom for King and how just were these last words, and how correct historically! As early as 1580, the English government had frankly announced to the Spanish monarch that the English people would not acknowledge the right of the Spaniards to all America, either by donation from the Pope, or on account of their having touched here and there upon those coasts; that this by the law of nations could not hinder other princes from freely navigating those seas and transporting colonies to the parts the Spaniards did not inhabit; in other words, "that prescription without possession availed

fleeing from Spain, and would carry him to Virginia and instruct him as to the mouth of the river, posts, fortifications, &c., which they had, and that soon he would tell the King by what means those people (*i.e.* the English) could be driven out without violence in arms." Letter of Zuniga to Philip III, March, 1609, Spanish Archives, Brown's *Genesis of the United States*, p. 243.

[1] A True and Sincere Declaration, Brown's *Genesis of the United States*, p. 349.

nothing."[1] It was hardly probable that the English government would recede from this position after the destruction of the Invincible Armada and the attack upon Cadiz,[2] nor was it likely that the Spanish Power could forget those events when it came to consider seriously the advisability of removing the English from Virginia by force, a policy the mere suggestion of which was soon abandoned. The spy and the time server took the place of the soldier and the prompter to vigorous action; Molinas and Gondomars were substituted for men like Menendez and Velasco, but the difference had no influence whatever upon the fate of the Colony in Virginia, which continued to grow in wealth and population, forming an insuperable obstacle to the advance of the Spanish dominion on the Atlantic coast of North America. It is quite certain that but for this barrier the Spanish settlements would have spread as far to the north on this coast as they gradually did on the Pacific. Florida would have been the starting-point in the east as Mexico had been in the west.

Such in brief detail were the practical reasons entering into the formation of the London Company. If we omit from consideration the early delusions as to the existence of gold in Virginia in large quantities, delusions arising principally from the spirit of the times, which had been

[1] Reply of the English government to the demand of the Spanish ambassador that the treasure brought back to England by Drake in September, 1580, should be delivered to Spain.

[2] See the account which Digby gives in a letter to Carleton from Madrid, under date of November, 1613, of his interview with the Spanish Secretary of State, who claimed that "Virginia and the Islandes of the Bermudas were of the Conquest of Castile"; "I could no way yield unto him," wrote Digby, "that eyther Virginia or ye Bermudas were parts of the Conquest of Castile, but that they (English) themselves were the first Possidents." Brown's *Genesis of the United States*, p. 668.

fostered by the extraordinary wealth of the southern continent in the precious metals, these reasons were worthy of that sober and enterprising race of men who were in the course of the following two hundred and eighty years to cover the surface of a great part of the globe with their colonies, and in doing so, to justify the magnificent description of one of the most splendid of modern orators.[1] It is no reflection upon the character of the Virginian enterprise to say that it was essentially a practical commercial undertaking, without any ulterior religious motive beyond that which has influenced the English in all of their settlements of barbarous countries. It was a religious age, and therefore the expression of interest in the moral condition of the Indians was somewhat more fervent than would be observed under similar circumstances in more modern times. In the letters patent of 1606, the hope was expressed that the colonization of Virginia would tend to the propagation of the Christian religion among the tribes "who as yet live in darkness and miserable ignorance of the true knowledge and worship of God;" and in the instructions for the government of the Colony which accompanied these letters, it was provided that the inhabitants should use "all good means to draw the savages and heathen people of those territories to the true knowledge of God." The *True and Sincere Declaration*, published in 1609, stated that the first object of the Plantation was "to preach and baptize into the Christian Religion, and by the propagation of the Gospell, to recover out of the armes of the Devill, a number

[1] "A power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England." Daniel Webster, Speech May 7th, 1837.

of poore and miserable soules wrapt up unto death in almost invincible ignorance; to endeavor the fulfilling and accomplishment of the number of the elect which shall be gathered out of all corners of the earth and to add our myte to the Treasury of Heaven."[1] Probably no one would have been more astonished than the authors of this document if their statement as to the first purpose to be advanced by the London Company, that is to say, missionary work among the Indians, had been accepted literally; and it is quite easy to conceive the objections which would have been raised by the sober merchants who were interested in the enterprise if the authorities of the Company had really concentrated their greatest energies upon this task.[2] The *True and Sincere Declaration* was written with a view to stimulating interest in the declining fortunes of Virginia, and it was therefore drawn so as to appeal with special strength to the religious sentiment of the age. There can be no doubt, however, as to the eminently religious spirit in which the great venture was undertaken. The absence of that spirit would have been uncharacteristic of the English people. In the orders which the Council formulated for the guidance of the voyagers of 1606, they closed their sagacious instructions with the earnest invocation that the colonists should "serve and fear God, the giver of all goodness, for every

[1] Brown's *Genesis of the United States*, p. 339.

[2] This does not necessarily imply a selfish spirit on the part of the merchants interested in the Virginian enterprise. In 1616 it was declared, "for the Nobilitie and Gentrie, there is scarce any of them expects anything but the prosperitie of the action. And there are some merchants and others, I am confidently persuaded doe take more care and paines, nay and at their continuall great charge than they could be hired to for the love of money; so honestly regarding the general good of this great worke, they would hold it worse than sacrilege, to wrong it but a shillinge or extort upon the Common soldier a penny." *Works of Capt. John Smith*, p. 527.

plantation which our Heavenly Father hath not planted shall be rooted out."[1]

In form, as well as in purpose, the Virginia Company of London was a commercial organization. It was unlike the majority of the companies of London employing shipping, in the particular that it had colonization in view in addition to trade and discovery. The two companies resembling it in this respect were the Somers Isles and the Newfoundland. The Turkey Company, the company of merchant adventurers who carried on trade with Germany and the Netherlands, and the company operating in the Baltic, were strictly commercial in their character. The Russia, the East India, and the Northwest Passage united purposes of trade with discovery. The close relation which all these corporations bore to each other is shown by the fact that the moving spirits in all were the same men. The connection between the East India Company and the Virginia Company of London was especially intimate, the two having one hundred members in common, and for some years they were under the control of the same executive head, Sir Thomas Smyth being the Governor of the East India and the Treasurer of the London Company, two positions corresponding with each other.[2] The same general features of administration marked the Russia, the East India, and the London Companies. The Russia, like the East India, was managed by a chief executive officer and a board selected from the body of the organization. The principal officers in the Turkey company were a Governor, Deputy Governor, and eighteen assistants. In the East India, the

[1] *Works of Capt. John Smith*, p. xxxvii.

[2] For a number of years the Russia, Greenland, East India, and London (Virginia) Companies held their meetings at the residence of Sir Thomas Smyth in Philpot Lane in London.

executive power was lodged in the hands of a Governor and a committee of twenty-four persons who were subject to annual election. Like the Treasurer and Deputy Treasurer of the London Company, the Governor and Deputy Governor of the East India were chosen by a majority of voices at a general court. A majority of these companies were known as regulated companies, their members not engaging in trade as a body, but by individual subscription in each separate voyage, according to the means of each member or his confidence in the success of the special venture.[1] The London Company being established mainly for the purpose of colonization, was directly under the authority and protection of the sovereign. I will enter more fully into a discussion of its powers and limitations as I touch upon the various divisions of my general subject. Before taking up the first branch, the agricultural development of the Colony, it will be necessary to give some account of the physical character of aboriginal Virginia, and the uses that the Indian population made of the soil and its products with a view to subsistence and comfort. A very just notion will be obtained of the geniality of the climate and the fertility of the ground, from the abundance in which the aboriginal inhabitants lived before they were disturbed by the arrival of the English.

[1] Anderson's *History of Commerce*, vol. II, p. 225. Cunningham's *Growth of English Industry and Commerce*, pp. 26–27. "When companies do not trade upon a joint stock but are obliged to admit any person, properly qualified, upon paying a certain fine and agreeing to submit to the regulations of the Company, each member trading upon his own stock and at his own risk, they are called regulated companies." Adam Smith, vol. IV, p. 110. "When they trade upon a Joint Stock, each member sharing in the common profit or loss in proportion to his share in this stock, they are called Joint Stock Companies." *Ibid.*, p. 110.

CHAPTER II

ABORIGINAL VIRGINIA — ITS PHYSICAL CHARACTER

History in the Old World casts no real light upon the period when the European landscapes which art has now done so much to adorn, enrich, and diversify, expanded in unbroken forests inhabited by a few tribes of savages, who spent their lives in the endeavor to earn a meagre and precarious subsistence by the pursuits of the chase. There the agricultural labors of men began in ages immemorial, and the face of the earth was substantially altered long before the first written record was made. Our knowledge of the original character of the greater part of Europe is doubtful and limited, because the mind and hand alike of man had been deeply impressed upon it when the faintest tradition transmitted to us arose. Not even Gaul, Germany, and Britain[1] were entirely barbarous regions when they were first visited by the representatives of Roman power and civilization. In the age of Tacitus, a century later, Germany was still covered with forests, but a fixed system of tillage had been generally adopted by its people and steadily pursued. We must turn to the plateaus of Central Africa in modern times for a counterpart of the scenes observed by the first adventurers who penetrated

[1] Some account of the agricultural productiveness of England previous to the Roman occupation will be found in Traill's *Social England*, vol. I, p. 85. For the condition of Germany, see Stubbs' *Constitutional History*, and Green's *History of the English People*.

the country along the eastern shores of North America, but even this counterpart is not altogether exact. Wherever the African explorer has gone, he has generally found wide divisions of country that teem with population, and which have been changed in a measure by the rude implements of a primitive agriculture. Groups of huts and fields of grain have rapidly succeeded each other in a large part of his journey.[1] Strangely interesting as are the streams and forests, and the animals of the lands which he has discovered, still more worthy of attention have been the countless tribes of savage men who dominate every scene and overshadow all other objects in importance. That portion of the Atlantic coast where the first English Colony was established was also inhabited, but the population was scant and dispersed as compared with the countries visited by Stanley, Livingstone, and Speke. The valley of the Congo is a chain of towns and villages; the valley of the Powhatan was but thinly inhabited, the difference being due to the fact that the one people subsist almost entirely by agriculture, and the other subsisted principally by the chase. It is true that the Indians had cleared away the heavy growth of woods here and there for the cultivation of maize and vegetables, but the open spaces, which were contracted in area as compared with the great body of the country, were confined to the banks of the streams; the surface at large remained in the condition that had distinguished it from the time of the subsidence of the ocean. There could not have been a more fitting designation than that which Elizabeth gave to it, for it was essentially a virgin land, a land as a whole untouched and unused.

[1] Stanley estimated the size of the population living in the region of the Congo and its tributaries at 43,000,000. 4,483,000 inhabited 12,000 miles of the shores of that stream. *Congo and the Founding of its Free*

It requires no extraordinary imagination to appreciate the emotions which stirred the breasts of the voyagers as they entered the Chesapeake, and sailed up the wide stretches of the Powhatan in the spring of 1607. Those were hours that offered the amplest compensation for all the hardships which they had endured. They had just finished a tedious and dangerous passage on the bosom of unknown seas. In the bleakest period of winter, under leaden skies and with sombre landscapes, the country which they had reached would have been delightful to them, but clothed in the verdure of the Virginian May, when the greenness of the foliage and the tints of the wild flowers have their deepest and softest coloring, it was quite natural that visions of an earthly Paradise should have arisen before their eyes, accustomed for so long a time to the heaving plains of the Atlantic. The lofty trees on the banks, representing many familiar and many new varieties, the noble breadth of the river, the balmy air laden with the odors of expanding leaf and blossom, the clearness of the atmosphere which produced such striking vividness of coloring, the bright sunshine, the strange birds, adorned with so many brilliant hues, flying hither and thither over the surface of the stream, or moving about in the branches of the trees that grew near its brink, the schools of fish that were constantly breaking the surface of the river into patches of flashing silver, the painted savages staring at the little fleet as it passed slowly along, all united to create a novel scene touching the sensibilities of the dullest and most prosaic of the adventurers.[1] Nor was it the less inspiring when they

State, vol. II, pp. 350, 366, 367. See Chapter XXXVII, for a description of the agricultural wealth of this region. See also *In Darkest Africa*, vol. I, pp. 305–310.

[1] Percy's *Discourse*, pp. lxvi., lxviii.

recalled that they were the first persons of their race to look upon that beautiful expanse of river and forest, which, for a length of time almost incalculable, had existed just as they saw it then.[1]

The charming impressions as to the physical aspect of the country were confirmed by subsequent observations. Sir Thomas Dale, writing in 1613, only a few years after the first colony was established on Jamestown Island, declared that his admiration of Virginia increased as his opportunities for informing himself about its resources enlarged, and that he believed that it would be equivalent to all the best parts of Europe taken together, if it were only brought under cultivation and divided among industrious people.[2] Percy was equally emphatic in asserting that if the promoters of the Virginian enterprise would only extend the adventurers a hearty support, the new country would be as profitable to England in time as the Indies had long been to the King of Spain.[3] Whitaker describes it as a place beautified by God with all the ornaments of nature, and enriched with his earthly treasures.[4] "Heaven and Earth,"[5] exclaimed Captain Smith, "never

[1] The explorations of Ralph Lane probably did not extend many miles beyond the modern Hampton Roads. It should be remembered that the first voyagers sailed as far up the Powhatan as the seat of the Appomattox tribe, perhaps to a point even beyond the mouth of the Appomattox River.

[2] New Life of Virginia, p. 12, Force's *Historical Tracts*, vol. I. An extract from Dale's letter will be found in Brown's *Genesis of the United States*, p. 494. In a letter to Sir Thomas Smyth, Dale was still more emphatic. "I protest unto you by the faith of an honest man," he exclaims, "the more I range the country, the more I admire it. I have seen the best countries of Europe; I protest unto you before the living God, put them altogether, this country will be equivalent unto them, if it be inhabited with good people." Brown's *Genesis of the United States*, pp. 639, 640.

[3] Percy's *Discourse*, p. lxxi.

[4] Good Newes from Virginia, Brown's *Genesis of the United States*, p. 583.

[5] *Works of Capt. John Smith*, p. 48.

agreed better to frame a place for man's habitation." Williams apostrophized it as Virginia the fortunate, the incomparable, the garden of the world! which, although covered with a natural grove, yet was of an aspect so delightful and attractive, that the most melancholy eye could not look upon it "without contentment, nor be contented without admiration." "For exactness of temperature, goodness of soil, variety of staples, and capability of receiving whatever else is produced in any part of the world, Virginia," he remarks, "gives the right hand of preëminence to no province under heaven."[1] "Where nature is so amiable in its naked kind," asks the author of *Nova Britannia*, "what may we not expect from it in Virginia when it is assisted by human industry, and when both art and nature shall join to give the best content to men and all other creatures?"[2] "I have travailed," said a leading member of the London Company, "by land over eighteen several kingdoms and yet all of them, in my minde, come farr short to Virginia."[3]

Such in part was the testimony as to the general beauty and fertility of Virginia in its original condition. Whatever exaggeration may have entered into the descriptions of the first adventurers, or the persons who immediately followed them, is to be attributed either to a desire to gratify the love of the wonderful, which prevailed to an unusual degree in that enterprising age, or to promote the interests of the Colony by encouraging a larger immigration of Englishmen. The extent of this exaggeration has been a subject of critical discussion with a number of modern writers, who have been predisposed to entertain

[1] Virginia Richly Valued, pp. 11, 21, 50, 57, Force's *Historical Tracts*, vol. III.

[2] Nova Britannia, p. 12, Force's *Historical Tracts*, vol. I.

[3] Neill's *English Colonization of America*, p. 155.

the most favorable views as to all things touching Virginia,[1] and they have founded their adverse opinion on the geological character of the country that was the scene of the earliest settlement. It is well known that Tidewater Virginia, with the exception of the strip of land extending along the edge of the waters of the ocean and Bay, which is of Quaternary origin, belongs to the Tertiary period, and is, therefore, composed of sands and clays only comparatively recently deposited by the retiring sea. It is a vast body of alluvial sediment, the beds of minerals still uncompressed into rock, and the remains of oysters, mussels, and other marine animals lying here and there in separate masses, or confused with the other materials of the soil. The entire division of country is in the form of a succession of terraces after the line of shore is left behind. The first terrace is composed of light-colored sands and clays of a fine texture underlaid by marl; this is the character of the Eastern Shore and the Norfolk Peninsula, now so justly celebrated for their market gardens, both soil and climate being adapted to the production of vegetables of the most excellent quality, in incalculable abundance. The second terrace is superimposed upon the plane of the first, and is principally composed of beds of coarse gravel and sand, situated not far from the surface, and with horizontal beds of yellow and blue marl, shells and conglomerate fragments. The third terrace consists of a narrow area of country, which has the same constituents as the first and second terraces. The soil of the greater part of Tidewater Virginia to-day has the lightness and thinness that have always been found to be characteristic of the geological formation to which it belongs, and the same lightness and thinness have distinguished it from the hour which first saw it rise

[1] *Defence of Virginia*, by Rev. C. W. Dabney, D.D., p. 334.

above the waves of the ocean. Under the influence of a mild climate and the moisture of the sea, this soil is prolific in many forms of vegetable life, but soon loses its fertility. In the present age, there are to be observed in every part of Tidewater Virginia what are known as first and second alluvial bottoms. The first are composed of a diversity of materials deposited by the rivers; the second, which are considered to be more valuable, consist of several varieties of loam, with a substratum of dark red or yellow clay, this soil being stiffer and drier than that of the first alluvial bottoms, and occasionally sandy. The land rises from these second alluvial bottoms in the character of extensive slopes, which, when exhausted by careless cultivation, are inclined to wash, the washing exposing a sterile earth at the depth of three or four inches. The ridges succeeding the slopes are composed of a stiff and sandy soil, that is always poor in quality.[1]

It is interesting to compare this condition of the soils of Tidewater Virginia in the nineteenth century with the earliest account of a general nature which we have of its soils in the seventeenth. When Beverley wrote his well-known history of the Colony, the English had been in possession of the land for nearly one hundred years, and much of its early fertility had been destroyed by the indifferent system of tillage prevailing in that age; substantially, however, the face of the country must have remained in the same state as that in which it was originally found. According to Beverley, the soils of Virginia were capable of being divided under three heads from the different characteristics which they presented.[2] First, there was the soil in the vicinity of the mouths of the principal streams, which was composed of a moist and

[1] Rogers' *Geology of Virginia.*

[2] Beverley's *History of Virginia*, pp. 96, 97.

fertile mould peculiarly fitted for the culture of rice, hemp, tobacco, and maize, but merging here and there into a soil, mixed with sand and subject to overflow, that was only adapted to the whortleberry, cranberry, and chinquapin. These low grounds were in general embowered by magnificent forests of pine, poplar, cypress, and sweet gum, and were also very productive of such evergreens as the holly, cedar, and liveoak. Then there was the soil found on the banks of the upper sections of the rivers and throughout the adjacent country, this country being a succession of very shallow valleys, with small hills here and there; in these valleys, as well as upon the hills, the soil was quite frequently a rich black mould, but as a rule it was loose, light, and thin, with a substratum in some localities of clay and marl, and in others, of gravel and stone. The elevations separating the valleys were very poor, the surface of the ground being covered with a light sand, or a red and white clay, barely concealed by a thin mould formed by the decaying leaves. These elevations were generally overgrown with chinquapin bushes, stunted oaks and chestnuts, but in summer patches of reedy grass were found on them here and there. Wherever the earth was composed of a deep and fertile mould, this being confined to the banks of the streams, there were seen walnut, ash, beech, and oak trees of a remarkable size. Finally, there was the soil that was observed in the country in which the fountains of the principal rivers were situated. Here it differed somewhat in the degree of fertility. In some localities, there were wide areas of rich and very heavily timbered land; there were in others, meadows and savannahs covered to the extent of many hundred acres with very tall reeds and grasses; in others still, there were bogs and swamps, in which the trees grew to a phenomenal height, and so thickly together that their branches interlocked.

In the narratives that have come down to us from the men who took part in the early exploration of Virginia, there are found here and there details as to the special character of its soil at the time of the original settlement. A writer, who was one of the voyagers of 1607, informs us, that the present Cape Henry, at which point the first landing was made, was a low tract of sand, but as the Powhatan was followed the banks rose in height, and the soil became indescribably fertile. He reported that this soil was so aromatic that it imparted a spicy flavor to the roots of the herbs, plants, and trees springing from it. In appearance it was a dark sandy mould, that was sweet to the taste and very slimy to the touch. When penetrated to the depth of several feet, a substratum of red clay was exposed to view in many localities, while in others a substratum of marl, gravel, or stone. According to the same writer, fuller's earth and a terra sigillata, similar to the variety found in Turkey, cropped out in abundance.[1]

Smith, who enjoyed still larger opportunities of examining the physical character of the new country, observed the same peculiarities in the soil.[2] The narrow point of land at Cape Henry, which the writer quoted described as a low sandy tract, reminded Smith in its drifted sands of the downs[3] of England. Describing the valley of the Powhatan, he declares that its great fertility was obvious

[1] Description of the New Discovered Country, *British State Papers, Colonial*, vol. I, 15, I; *Winder Papers*, vol. I, p. i, Va. State Library.

[2] *Works of Capt. John Smith*, pp. 48, 49. "The higher ground," remarks Alexander Whitaker in his *Good Newes from Virginia*, "is much like unto the molde of France, clay and sand being proportionately mixed together at the top, but if we digge any depth (as we have done for our bricks), we finde it to bee redde clay full of glistening spangles." Brown's *Genesis of the United States*, p. 584.

[3] The word used is "down," probably in the sense of "dune."

at a glance, on account of the enormous growth of trees covering the surface of the ground. The earth at different places bore a close resemblance to bole armoniac and lemnia, and on every hand there were deposits of terra sigillata, marl, or fuller's earth. In general, he states that the soil was a sandy black loam, interspersed at intervals with a thick slimy clay, and beds of barren earth and stone. In his voyage of exploration in the autumn of 1608, he was very much impressed by the great area of fertile land seen in the vicinity of the Indian Moysonicke on the Chickahominy, which, upon examination, he found to be composed of a light black sandy mould, while the cliffs abutting upon the river were masses of red and white clay.[1] At the point where the main stream of the Nansemond divided itself into several branches, he discovered, in a second voyage, a wide expanse of the most productive low grounds, constituting a pleasant, beautiful, and varied prospect. In the course of his journey as a captive from Pyankatank to the residence of King Powhatan at Werowocomoco, situated on the York, he passed through a country which he describes as a desert in the sense that it was uninhabited, but in soil, extremely fertile, with the most magnificent trees covering its surface, and a crystal stream winding its way through every valley.[2] Along the banks of the Youghtomund, one of the confluents of the Indian Pamunkey, he came upon very sandy ground, while the valley of the other confluent was distinguished for a mixture of white sand and clay. Here were to be seen the finest specimens of terra sigillata which the country afforded.[3] In his earliest voyage in the unknown waters of the Chesapeake, Smith visited the eastern shores of the bay, and observed, among other things, that the territory of

[1] *Works of Capt. John Smith*, p. 13. [2] *Ibid.*, p. 18. [3] *Ibid.*, p. 21.

Accomac was composed of a fertile clay. The western shores were hilly and barren in many places, but were everywhere interspersed with narrow valleys, the abundant growth of trees in which indicated a productive soil.[1]

The presence of mineral substances was detected wherever the red clay which underlay the mould, both on the high and the low lands, was brought to light by the spade.[2] In the valleys of all the rivers there were outcroppings of mineral deposits. Sir Thomas Gates, in testifying before the Company in London as to the capabilities of Virginia, affirmed that in a circuit of ten miles of Jamestown the ground gave innumerable evidences of the existence of minerals, and that iron ore was universally abundant.[3] Iron rocks were found wherever the hills broke abruptly into precipices.[4] Shining crystals brought down by the waters were discovered on every side. Smith declared that the earth in some places presented the aspect of having been gilded, so thickly was it overlaid with the glistening tinctures worn from the rocks by the rains and streams.[5]

The investigations of more modern times have shown that both gold and silver really exist in the general area of country so eagerly explored by the first colonists in the hope of discovering the precious metals.[6] In 1849

[1] *Works of Capt. John Smith*, p. 416.

[2] Good Newes from Virginia, Brown's *Genesis of the United States*, p. 584.

[3] A True Declaration of Virginia, p. 22, Force's *Historical Tracts*, vol. III. Subsequent examination has shown that most of the indications of iron ore in Eastern Virginia are merely superficial. There are some deposits of what is known as bog ore.

[4] Clayton's *Virginia*, p. 27, Force's *Historical Tracts*, vol. III. See also Hartwell, Chilton and Blair's *Present State of Virginia*, 1697, § 1.

[5] *Works of Capt. John Smith*, p. 49.

[6] Recollection of the failure of the Delaware expedition did not repress all further effort to discover gold and silver in the country west of the

lead and silver ores, intermixed, were brought to light in Nelson County, and so abundant were the deposits of gold in Fluvanna, that in the same year, a mill for crushing the ore was erected in that county by Commodore Stockton.[1] It is an interesting fact that even at the present day, a very considerable quantity of fragments of gold, which have been picked up in the streams by the inhabitants, is brought to the stores in this part of the State to be exchanged for articles of various kinds.[2] In Buckingham County, lying immediately to the south, on the further side of James River, gold mines have been systematically worked for several generations, and at a sufficient rate of profit to compensate the owners for the expense which has been entailed.

Copper was one of the most common ornaments of the Indians when the first colonists arrived, but it seems to have been procured by trading with the tribes living in the northwest, and probably came from the vicinity of the

Falls. Harvey, in a letter to Secretary Dorchester (*British State Papers, Colonial, McDonald Papers*, vol. II, p. 32, Va. State Library), dated April 15, 1630, says: "I intend about September, when the heate is over, to travaile about 8 or 10 dayes journey above the falls to informe myself truly whether there be anie such silver mine as is or hath been commonly reported or not." In the autumn, a levy of one hundred and seventy men was raised, and this number was sent, under the command of Captain Mathews, to make the search which the Governor had ordered. *Randolph MSS.*, vol. III, p. 215, also Neill's *Virginia Carolorum*, p. 80. The arrival of winter cut the expedition short, and the hunters of gold and silver returned empty-handed. Twenty years later, Colonel Hill was summoned before the Council of the Colony because, without obtaining the license required, he had collected fifty men to accompany him on an expedition to the lands west of the Falls, with the avowed purpose of finding gold and silver in those parts. *Randolph MSS.*, vol. III, p. 445.

[1] *Va. Hist. Register*, vol. V, No. II, p. 111. See *Virginia Magazine of History and Biography*, vol. II, p. 322, for reference to a silver mine in Chesterfield County.

[2] Richmond (Va.) *Times*, Oct. 14, 1893.

Great Lakes, where, in more modern times, many of the richest deposits of this metal in the world have been discovered.[1] There is no evidence that copper was mined in aboriginal Virginia within the limits of the modern State. In 1608, when the Potomac was first explored, the voyagers were informed of the existence of a mine of antimony a few miles from the banks of the Quiyough,[2] a tributary of that beautiful river, and when visited, it was found to have been opened by the Indians and extensively worked, the metal being washed free of all dross in a neighboring stream, and sold to the tribes throughout Virginia for personal ornament.[3] A warrior who had recently used this article of adornment is said to have resembled a blackamoor sprinkled with silver, and instances of this effect fell under the observation of the adventurers only a few days after they disembarked at Cape Henry, apparently confirming their hope of obtaining the precious metals in the new country, so ignorant were they of the true nature of the powder which they saw glittering on the bodies of the Indians around them.[4] An alum spring was also discovered in the vicinity of the Quiyough.[5]

[1] Copper may also have been obtained from the southwest. Ralph Lane reported that there was a "province up the River Moratoc (the modern Roanoke and its tributary, the Dan) which hath a marvellous and strange minerall . . . Wassador, which is copper . . . which is very soft and pale. Of this metall, the Mangoaks have so great store that they beautifie their houses with great plates of the same." Hakluyt's *Voyages*, vol. III, p. 315.

[2] The modern Acquia.

[3] *Works of Capt. John Smith*, p. 418. The site of this mine has been rediscovered in recent times.

[4] Percy's *Discourse*, p. lxv.

[5] "I likewise found a kind of water issuing out of the earth which hath a tart taste, much like unto Allum Water ; it is good and wholesome, for my men did drinke much of it and never found it otherwise." Letter

The early colonists were very much puzzled by finding in Virginia large blocks resembling English millstones, but which in composition were neither metal nor ordinary masses of rock. These blocks were enormous conglomerates of marine shells, but as they were so far from the shore, their origin seemed to be veiled in obscurity.[1] Here and there were observed extensive banks of scallops and oyster-shells, which lay unopened and as thickly grouped as if they had formed at one time a part of the flooring of the sea.[2] Many years after the foundation of Jamestown, the remains of unknown animals of huge dimensions were brought to light in digging below the surface of the earth; these were the bones of the mastodon, or some huge sea monster, which had been deposited in the original sediment, and probably caused even greater wonder and speculation among the colonists than the accumulation of shells in the interior of the country.[3]

of Argoll to Nicholas Hawes, June, 1613, Purchas' *Pilgrimage*, vol. IV, pp. 1764–1765. In 1688 the Secretary of State of the Colony, Nicholas Spencer, informed Rev. John Clayton, who was then on a visit to Virginia, that "there was vitriolick or alluminous earth on the banks of Potomack." Clayton's *Virginia*, p. 27, Force's *Historical Tracts*, vol. III.

[1] Clayton was doubtful as to whether these conglomerates were petrified shells or "natural rock shot in those figures." He was disposed to believe they were the latter, Clayton's *Virginia*, p. 13, Force's *Historical Tracts*, vol. III. This opinion he repeated: "I do not apprehend why it may not be as feasible to suppose them to have been rocks at first shot into those figures as to conceive the sea to have amassed such a vast number of oyster-shells one upon another and afterwards subsiding should leave them covered with such mountains of earth under which they should petrify." *Ibid.*, p. 15.

[2] Strachey's *Historie of Travaile into Virginia*, p. 32. Strachey recognized the true cause of these accumulations of shells. "All the lowland of South and North Virginia," he remarked, "is conjectured to have been naturally gayned out of the sea."

[3] Neill's *Virginia Carolorum*, p. 131. See also Clayton's *Virginia*, p. 15, Force's *Historical Tracts*, vol. III.

Almost the entire face of Virginia at the time of the first exploration was concealed by primæval forests. The earliest adventurers exclaimed in terms of admiration and astonishment at the size and height and variety of the trees. One witness expressed the opinion of all of his companions when he said, that the new country presented to view the finest timber that the world afforded, and that this timber was adapted to the greatest multiplicity of purposes, whether in the building of ships, or the erection and ornamentation of houses.[1] Freedom from undergrowth was one of the most notable features of the original woods of Virginia, and the same characteristic is observed to-day in a modified form in every forest in the State, growing upon land which has never been cleared. In the beginning, the absence of undergrowth was partially attributable to the Indian custom of burning the leaves with a view to capturing whole herds of deer by surrounding them with a belt of fire, through which it was difficult for them to escape. It was by similar conflagrations that the prairies of the West were denuded, but so full of moisture was the atmosphere of Virginia on account of its proximity to the ocean, and so finely adapted to certain forms of vegetable life was its soil, that the annual firings of the Indians did not make any impression upon its vast forests beyond the destruction of many of the smaller trees. If the testimony of a warrior, who was captured on the Rappahannock by Smith, can be accepted as sound, these firings were confined to the country extending from the Blue Ridge to the sea; when he was asked as to who inhabited the land beyond the mountains, he replied, the sun, and further than this he

[1] Description of the New Discovered Country, *British State Papers, Colonial*, vol. I, 15, I; *Winder Papers*, vol. I, p. 2, Va. State Library.

declared himself ignorant because the woods had not been burnt.[1] So open were the primæval forests in Tidewater Virginia, that it was said, with obvious exaggeration, that a person was easily discoverable in them at a distance of a mile and a half. The trees stood so far apart, that a coach, it was also asserted, could have been driven through the thickest groups without danger of coming in contact with the trunks and boughs, and yet so deep was the shade, according to the same authority, that it furnished the amplest protection from the rays of the meridian sun in the hottest day of summer.[2] At no point was it impossible for horse and foot to pass, however dense the growth of timber.[3] So few were the thickets in the woods, indeed, that the early colonists found no obstruction in arranging a perfect order of battle among the trees in repelling the assaults of the savages.[4] In the immediate vicinity of the Indian village, the forests had been so depleted that a horse could be ridden at full speed in the interval between the trunks without risk of touching them.[5] It is interesting, however, to recall that it was said at a later date in the history of the Colony, that it was difficult to keep greyhounds in Virginia, because in their headlong speed they dashed their brains out against the trees, which, in their eager pursuit, they had failed to see, but these were

[1] *Works of Capt. John Smith*, p. 427.

[2] Bullock's *Virginia*, p. 3. Smith, writing in 1630, said that "in Virginia, all the woods for many an hundred mile for the most part grow sleight like unto the high grove or tuft of trees upon the high hill by the house of that worthy knight, Sir Humphrey Mildmay, so remarkable in Essex, in the parish of Danbery . . . but much taller and greater; neither grow they thicke together by the halfe, and much good grounde between them without shrubs." See *Works*, p. 950.

[3] Strachey's *Historie of Travaile into Virginia*, p. 128.

[4] *Works of Capt. John Smith*, p. 34.

[5] *Ibid.*, p. 67.

probably dogs imported directly from England, where they had been accustomed to course in the open fields.[1] It was only in one portion of the new country that much small wood seems to have been found; in his voyage up the Chesapeake, Smith observed in all the little valleys running back from the Bay on the western shore, dense copses, but in passing as a captive through the country situated at a considerable distance from the same line of shore, he was impressed with the fineness of the timber which he saw on every hand.[2]

The first tree seen in Virginia by the voyagers of 1607 was the pine. The coast at Cape Henry, which was the first to rise from the vast plain of the ocean as they approached the continent from the open sea, was overgrown with the same variety of pine observed there to-day, and the groups of these trees when sighted doubtless presented the same appearance of looming directly from the waves on the furthest bounds of the horizon. Such countless numbers of them grew along the whole coast, that in after times the sailors employed in the carrying trade of Virginia were in the habit of asserting that they could detect the presence of land long before it emerged to view, by the odor which the pines breathed upon the winds blowing from the shore.[3] The voyagers of 1607 have left no record to show that they were greeted as they sailed towards the Capes by this invisible precursor of the beautiful country which they were seeking, although in the noble ode which the poet Drayton had addressed to them on the departure of their ships from London, he had referred to the delicious smell, diffused over the "flowing seas by the clear

[1] Clayton's *Virginia*, p. 38, Force's *Historical Tracts*, vol. III.
[2] *Works of Capt. John Smith*, pp. 18, 416.
[3] Clayton's *Virginia*, p. 5, Force's *Historical Tracts*, vol. III.

wind," that would delight their senses as they drew near to the strand, an allusion probably suggested to him by the glowing descriptions brought back to England by the adventurers who took part in the expeditions to Roanoke many years before, or it may have come to him from the traditions of the earliest explorations in the Spanish Main. Clayton, an English traveller who visited Virginia about eighty years after the foundation of Jamestown, was disposed to attribute the statement of the sailors to that extreme love of the marvellous, which has always distinguished those following a seafaring life, but as he justified his incredulity by his failure to detect the odor himself in the single instance of his own voyage to the Colony, his conclusions cannot be properly set against the general experience of a host of mariners through so many generations.[1]

[1] Clayton's *Virginia*, p. 5, Force's *Historical Tracts*, vol. III. On the 2d of July, 1584, Captains Amadas and Barlow, as they approached the coast of the modern North Carolina, but before it had been sighted, detected "a smel so sweet and so strong as if we had bene in the midst of some delicate garden abounding with all kinds of odoriferous flowers, by which they were assured that the land could not be farre distant." Hakluyt's *Voyages*, p. 301. Strachey, writing many years later, has recorded "that before we come in sight of yt (*i.e.* Virginia) thirty leagues, we smell a sweet savour as is usually from off Cape Vincent, the South Cape of Spayne, if the wynd come from the Shoare." *Historie of Travaile into Virginia*, p. 43. The distance to which these odors were wafted off shore is possibly explained in the following from the voyages of Captain Devries (*Voyages from Holland to America*, p. 31). Writing in 1630, he says: "The 2nd December, threw the lead in 14 fathoms sandy bottom and smelt the land (the Delaware or New Jersey shore), which gave a sweet perfume as the wind came from the northwest, which blew off land and caused these sweet odours. This comes from the Indians setting fires at this time of year to the woods and thickets, in order to hunt, and the land is full of sweet smelling herbs as sassafras, which has a sweet smell. When the wind blows out of the north west, and the smoke too is driven to sea, it happens that the land is smelt before it is seen."

In the boundaries of the present State of North Carolina there were found, upon the first discovery, enormous forests of pine trees extending in some parts over a circuit of sixty miles,[1] but in the territory coincident with that of modern Virginia, these trees were only very numerous on the coast and along the shores of the Bay, and at the mouths of the larger streams. The observations of subsequent times have shown that the pine is principally a tree of secondary growth in this division of the State. That as a rule it was dispersed at the period of the earliest settlement is disclosed by the fact, that in a communication from the authorities in Virginia to the Company in London, written in 1622, the statement is made that pitch and tar could never become staple commodities of the Colony because the pines were so scattered that it would be unprofitable to bring them together.[2] The finest specimens of this tree discovered by the earliest settlers were found on the general line of shore lying on the southern side of the modern Hampton Roads.[3] An accurate notion

[1] Virginia Richly Valued, p. 25, Force's *Historical Tracts*, vol. III. The great resources of the present State of North Carolina in pitch and tar were anticipated as early as 1621 (O. S.) by George Sandys, the treasurer of Virginia. See his letter of March 3, printed in Neill's *English Colonization of America*, p. 154.

[2] Letter of the Governor and Council in Virginia to the Company, January, 1621 (O. S.), Neill's *Virginia Company of London*, p. 283.

[3] "So setting Sayle (that is, from Point Comfort) for the Southern Shore, we sayled up a narrow river up the country of Chesapeack. . . . By that we had sayled six or seaven myles, we saw . . . the shores over growne with the greatest pyne and firre trees wee ever saw in the Country." *Works of Capt. John Smith*, p. 431. Some conception of the striking character of the pine forests that Smith saw on the shores of the modern Elizabeth River may be obtained from the noble grove of these trees which now flourishes in the rear of the National Naval Hospital at Portsmouth, forming the most interesting part of the reservation. It is probable that the ground covered by this grove has never been under

is obtained as to the length and girth of these specimens, when it is recalled that the ship *Starr*, which was sent to Virginia in 1612 to transport masts to England, and which was specially arranged for that purpose in the way of its decks and scupper holes, was unable to store even forty of the four-score trunks which it was designed to carry, until they had been cut short with an axe.[1]

The walnut was as common in aboriginal Virginia as the elm in England; it was stated that at least one-fourth of its forests belonged to this species of tree.[2] Three varieties were present, of which the black walnut was afterwards found to be the most valuable, because particularly adapted to the manufacture of furniture. It had a grain of remarkable delicacy that took a polish of extreme fineness, and in color it resembled ebony, and was not subject to the attacks of worms.[3] Still more numerous were the oaks, which constituted the noblest form of vegetable life in the new country. So lofty and erect were many of these trees and so great their diameter, that their trunks afforded plank twenty yards in length, and two and a half feet square.[4] There were several varieties, the red, black, white, chestnut, and Spanish, and also the liveoak, which dropped its acorns through the greater part of the year. There was one characteristic of this species of tree, often observed since, that made it at times an object of curious interest to the early colonists; in cutting down

cultivation, and that these lofty and stately pines are the scions of those upon which the Englishman gazed in passing in 1608.

[1] Strachey's *Historie of Travaile into Virginia*, p. 130.

[2] Virginia Richly Valued, p. 15, Force's *Historical Tracts*, vol. III. Spelman's *Relation of Virginia*, p. cvi. At this time the hickory was also known as the walnut, which accounts for the abundance, according to the early writers, of walnut trees in aboriginal Virginia. It also explains the number of the varieties.

[3] Strachey's *Historie of Travaile into Virginia*, p. 129.

[4] *Works of Capt. John Smith*, p. 56.

an oak in 1607 on the ground selected as the site for the Jamestown fort, two barricoes of red liquor gushed from its heart; when tasted it was found to resemble vinegar, although smacking strongly of the wood; and a similar phenomenon was noticed a few days later in the further extension of the clearing.[1] Cypresses were found three fathoms in girth about the roots and rising in a perfectly straight line, and without a branch to the height of sixty or eighty feet.[2] In different parts of Virginia there were beautiful groves of mulberry. So numerous were they in Arrahattock, a country situated on the north side of the Powhatan and to the east of the Falls, that the name of Mulberry Shade was given to one spot in that region.[3] The ash was also an ordinary tree in Virginia, and it was soon found to be unusually well adapted to the manufacture of soap ashes; if burnt very carefully, the ashes of the large specimens formed in hard lumps of the finest quality, while the ashes of the small resolved themselves into a foul black powder.[4] The ash must have been growing in considerable numbers in the immediate vicinity of Jamestown, since a part of the time of the first colonists was spent in converting it into soap ashes for shipment to England, where this commodity commanded a profitable return. It was said of the original cedars of Virginia that they could stand a comparison with those of

[1] *A Relatyon of the Discovery of Our River*, p. liv.

[2] *Works of Capt. John Smith*, p. 56.

[3] *A Relatyon of the Discovery of Our River*, p. xlviii. Hamor, in his *True Discourse*, p. 22, states that there was "greet store of mulberries about the Bermuda Cittie and Hundirds," while at Kecoughtan, according to Strachey (see *Historie of Travaile into Virginia*, p. 60), there "were many prettie copsies or boskes as it weere" of the same trees. The Virginian mulberry was of the white variety, which was especially adapted to the nourishment of the silk-worm. See A True Declaration of Virginia, p. 22, Force's *Historical Tracts*, vol. III.

[4] *Works of Capt. John Smith*, p. 56.

Lebanon, the most famous in the world, without disadvantage.[1] Like the pine, the cedar found its most congenial soil in the sandy tracts of the coast. In modern times, it is conspicuous in every part of the lower Tidewater division of the State, overshadowing the public roads, and creating patches of green in the woods in the winter; originally, it was probably not so abundant, but sufficiently so to enter into the impression that was left upon the eye by every forest scene.

The sassafras was as frequently observed in Virginia three hundred years ago as it is to-day; so plentiful was it on Jamestown Island and in the country adjacent, that the attention of the earliest colonists was directed to securing it, to the neglect of their cornfields.[2] At a later period, it was associated with tobacco as one of the two commodities from Virginia offered in large quantities for sale in London; this would not have been the case unless it had been abundant, for, unlike the tobacco plant, it was not renewed from year to year. A tree once destroyed was destroyed forever. At the very time that shipments of the roots were largest, the colonists were pent up by the Indians in a comparatively narrow space. The constant apprehension of an attack prevented them from wandering to great distances in search of sassafras, and the ease with which it was procured under circumstances so adverse, is a very strong indication that it grew quite thickly in the whole valley of the Powhatan, since that valley, in the neighborhood of Jamestown, differed but little from the remaining portion of it.[3]

[1] Strachey's *Historie of Travaile into Virginia*, p. 129.

[2] Council in Virginia to Council in England, June 22, 1607, Brown's *Genesis of the United States*, p. 107.

[3] The meaning of the word "Wyanoke," the name given by the Indians to an area of country on the north side of the Powhatan, was "land of sassafras," from which it is to be inferred that this tree grew in great

The elm was found in Virginia when the country was first explored, but was probably dispersed, as the references to it are few. A species of laurel tree delighted in the gravelly mould of the damp woodland dells, and blossomed several months without intermission, perfuming the surrounding forest with its delicate odor. The locust, bearing a flower resembling the jesamine, adorned every valley, and in close proximity to it the tulip poplar grew, showing the same proclivity then as now for the moistest and most fertile bottoms in the woods.[1] There was a species of balsam from which there issued a pure and odoriferous gum.[2] The sugar maple was not discovered in Virginia until the settlements had been greatly extended; a company of rangers scouring, in the latter part of the century, the region lying to the west of the Potomac River, whose Indian inhabitants had been threatening serious depredations, accidentally observed a tree from which was distilling a juice that reminded them of molasses, both in sweetness and thickness. This seems to have been the first report of this valuable natural product; but little use was made of it at the time.[3]

Chestnut trees were as numerous in the vicinity of the Falls of the Powhatan as the most ordinary species of oak, and in size and flavor the nuts were pronounced to be equal to the nuts of the same trees in Spain, France, Germany, and Italy, by those among the early colonists who had visited these countries.[4] The chinquapin, which still

abundance there. The sassafras in the present age is generally of secondary growth in the valley of the James. It is quite probable that the tree, when Virginia was first explored, was found in the thickest array in the old Indian fields.

[1] Beverley's *History of Virginia*, p. 111.

[2] *Works of Capt. John Smith*, p. 58.

[3] Beverley's *History of Virginia*, p. 108.

[4] Ralph Hamor's *True Discourse*, p. 23. *Works of Capt. John Smith*, p. 56.

retains its original Indian name, was found in great numbers in the thin soil on the barren ridges, in which it grew to the height of an ordinary apple tree. The fruit of this bush represented a variety of nut unknown to the early English explorers. There was an extraordinary abundance of hazel nuts in the swamps and bogs; and on the highlands, especially in the direction of the heads of rivers, the small hazel trees covered acres of ground in single patches.[1]

The only variety of apple tree indigenous to Virginia was the crab; large numbers of this tree were found, displaying the same affluence of blossom as the English crab apple, but bearing a fruit that was much less sour.[2] Three varieties of cherry were represented among the fruits of aboriginal Virginia, two of which grew upon a tree as great in size as the English white oak. The skins of both were black. The third was known among the later colonists as the Indian cherry, and was the product of a tree hardly exceeded by the English peach tree in girth and height, and showing an inclination for the soil of the valleys of the rivers, and of the narrow bottoms of the smaller streams. This variety was considered to be of extraordinary excellence in flavor; when ripe it was colored a dark purple, and there was only a single cherry to the stalk.[3] There were two varieties of plums, resembling, both in size and taste, the English damson. Cultivating and pruning were subsequently to improve both varieties very materially. A fruit tree that aroused unusual interest in the first adventurers was the persim-

[1] These last details are taken from Beverley's *History*, written nearly a century after the first exploration of Virginia, but giving as faithful an account of certain products of the soil which were characteristic of its primæval condition as if it had been composed an hundred years earlier. See pp. 104, 105.

[2] Ralph Hamor's *True Discourse*, p. 23.

[3] Beverley's *History of Virginia*, p. 102.

mon, a name received from the Indians which it has never lost; its fruit clung to the branches as thickly as ropes of onions, and so great was the weight of the clusters that the limbs frequently broke down under the burden.[1] The persimmon reminded the original settlers of Virginia of the English medley; there are several references to its extreme sourness in its unripe condition, a fact probably discovered very early in the first summer after the foundation of Jamestown, for the persimmon presents a more inviting aspect at that season than when thoroughly ripened by the frosts of autumn. Smith described it as a fruit which puckered up the mouth if eaten unripe,[2] but of an excellent flavor when fully matured. In later colonial times, it was used for brewing beer, and an attempt has been recently made to convert it into a commodity similar to the preserved date.

The raspberry was represented in primæval Virginia only by the black variety, that grows to-day in the lowland brakes in as much profusion as it did three hundred years ago; so palatable was its wild flavor, that many of the early colonists preferred it to the ordinary English red raspberry, but its superiority has not been generally admitted in later times.[3] There were three varieties of the whortleberry, growing either upon sprigs that only rose a few inches above the ground, or upon bushes springing up to a height of eight or ten feet, according to the character of the soil. The whortleberry found its greatest nourishment in valleys and sunken lands. The cranberry flourished to the most advantage in the numerous bogs

[1] Beverley's *History of Virginia*, p. 103.

[2] "If it be not ripe, it will drawe a man's mouth awrie with much torment." *Works of Capt. John Smith*, p. 57.

[3] Beverley's *History of Virginia*, p. 104. Percy mentions that the raspberry was one of the berries which he observed in Virginia. See *Discourse*, p. lxix; see also *Works of Capt. John Smith*, p. 58.

discovered in the neighborhood of the larger streams. Smith remarks upon the presence of the gooseberry in Virginia, and this was, doubtless, the wild variety so common in the forests of the State to-day,[1] but there is no reference in any of the early records to the blackberry or the dewberry, although the latter must have been frequently seen in the deserted Indian fields at the time of the first settlement, and the blackberry was, probably, equally as common. Nor is there any specific reference to the pawpaw apple, a fruit as rich in flavor as the most cloying fruits of the tropics, growing upon small trees that love the deep shade and the fertile mould of the darkest forest bottoms.[2]

In whatever direction the first adventurers made their explorations, they observed a remarkable abundance of wild grapes; the vines, at the point where they issued from the ground, were frequently as large as the thigh of a man,[3] and they sprang up to the top of the largest trees, to which they clung for support. It was noticed at an early period that only the vines in the vicinity of the Indian habitations and along the edges of the creeks, rivers, and swamps bore any great quantity of fruit, and this was justly attributed to the fact that it was only in these open spaces that the rays of the sun could reach them. There were four varieties of grapes.[4] First there

[1] Beverley expresses the opinion that Smith, in referring to the Indian Rawcomene (see *Works*, p. 57) as a gooseberry, had the cranberry really in mind (Beverley's *History of Virginia*, p. 104). There is some reason to doubt the correctness of this surmise, as the wild gooseberry, which is found in great abundance in Virginia to-day, differs but little in appearance, although considerably in taste, from the domestic variety.

[2] It seems, however, to have been found in the country north of the present limits of Virginia. See Evelyn's *New Albion*, p. 27, Force's *Historical Tracts*, vol. II.

[3] Percy's *Discourse*, p. lxvi.

[4] Beverley's *History of Virginia*, p. 106.

was the variety found most commonly in the valleys of the streams and in the swamps of the uplands; the fruit grew in small bunches and differed in color, being white, black, or purple, and was in size as large as the Dutch gooseberry. This was probably the modern sloe, for in addition to these characteristics, the vine clung in great masses to the ground or overran small bushes for a prop. The fox grape, a name derived from its musky odor, represented the second variety, and, like the first, it showed a proclivity for swamps and banks of streams. It was as large as the English bullace. The third and fourth varieties were small in size, diverse in color, and grew on vines of enormous length and girth; they began to ripen in the latter part of August, but clung to the stem long after the first snows had fallen.

So numerous were the strawberries in season that one observer, who was undoubtedly speaking with exaggeration, declared that in wandering through the forests it was hardly possible to direct the foot without dyeing it in the blood of this fruit.[1] Another relates that wherever the English on their first arrival penetrated the woods, they came upon plats of ground overgrown with these berries, which were four times larger and much more exquisitely flavored than those they had been accustomed to in England.[2] Among the first plants to spring up in the clearings made around the fort at Jamestown by the first colonists, was the strawberry,[3] and the fruit increased in abundance as the area of abandoned fields grew wider.[4]

[1] Virginia Richly Valued, p. 11, Force's *Historical Tracts*, vol. III.

[2] Percy's *Discourse*, pp. lxiii, lxvii. Ralph Hamor declares that there were "great fields and woods abounding with strawberries, much fairer and more sweete than ours." *True Discourse*, p. 22.

[3] Letter of Francis Perkins, 1608, Brown's *Genesis of the United States*, p. 176.

[4] "Strawberries are so plentiful that very few persons take care to

At the mouths of the rivers and along the shores of the Bay and the sea and in all the inland bogs and swamps, the myrtle bush was found in great abundance, and from it at a later period was manufactured a wax of a greenish tint, which upon refinement became entirely transparent. This wax did not lose its hardness in the hottest weather; it was converted into candles for the use of the poor and rich alike among the colonists, and so pleasant was the odor of the snuff, that the light of these candles was frequently extinguished for no other purpose than to obtain the delicious incense.[1] In the fertile low grounds wild hops were found, and also many acres of onions in a single patch, the onions attaining to the size of the end of the average thumb.[2] In addition, there were muskmelons, large enough to fill the space of several quarts, macocks or squashes, gourds, maracocks or mayapples, beans and pumpkins, the latter propagating in such abundance that a hundred were frequently observed to spring from one seed.[3] The potato and the watermelon, to which the soil of the State has been shown to be so well adapted, the Hanover watermelon, produced in a county lying only a score of miles from Jamestown, being now one of the most famous varieties of this fruit, were not indigenous to Virginia,[4] but were introduced with the peach and other fruits and

transplant them, but can find enough to fill their baskets, when they have a mind, in the deserted old fields." Beverley's *History of Virginia*, p. 104.

[1] Beverley's *History of Virginia*, p. 108.

[2] *Works of Capt. John Smith*, p. 59.

[3] Ralph Hamor's *True Discourse*, pp. 21, 22.

[4] Captain John Davis of the Pennsylvania Line, who passed through Hanover County during the Yorktown Campaign, entered in his diary the following note, which is not the less appreciative because ungrammatical: "The Country abounds in the Best Water Millons I ever see." *Virginia Magazine of History and Biography*, vol. I, p. 8.

vegetables from foreign countries, the potato from the West Indies and the watermelon from Europe.

Far more notable plants than those named were tobacco and maize, which were destined to exercise such a controlling influence upon the fortunes of the Colony and Commonwealth. In addition to maize, there was the grain known in the Indian tongue as mattoum; it bore a resemblance to rye and was probably the species of wild oats still so common in all the rivers of Tidewater Virginia.[1] The water flag was remarkable for its long and fine skin, which could be stripped from it when the plant had been boiled, and was found to be excellent material for the manufacture of cordage and linen.[2] The sumac leaf and the puccoon and snake roots were but a few of the natural productions of the new country that were useful for dyeing and medicinal purposes. A rarer and more interesting plant was the famous Jamestown weed, resembling, it was thought, the thorny apple of Peru and possessing some remarkable qualities. It is related that a number of the English soldiers sent over to put down the insurrection of 1676 partook of it in the form of a salad, and that it converted them into idiots, who amused themselves with blowing feathers into the air, or sat and made mouths at each other, remaining in this condition for nearly a fortnight, and when they finally recovered their reason they were unaware of the insane tricks which they had been playing.[3] The woods were found to contain numerous varieties of parsley and sorrel, as harmless when eaten as the James-

[1] *Works of Capt. John Smith*, p. 58.

[2] Virginia Richly Valued, p. 25, Force's *Historical Tracts*, vol. III.

[3] Beverley's *History of Virginia*, p. 110. This story, which is given as told by Beverley, sounds very improbable. Either tradition was at fault or the soldiers were dissembling.

town weed was dangerous.[1] Extensive fields of wild flax were also discovered.[2] Very naturally, there was only a small area of soil in grass in aboriginal Virginia as compared with the vast surface overgrown with forests. Smith asserted that the dropping of leaves turned the grass into weeds, and its scarcity was undoubtedly attributable to the narrowness of the open ground. In the marshes there were several varieties capable of being converted into hay, and at a subsequent period they furnished food for the cattle; these grasses appear to have been especially abundant on the Eastern Shore at the time Smith made his first voyage on the waters of the Chesapeake.[3] Weeds sprang up very thickly along the margins of the streams, and on several occasions in the history of the first years of the Colony the Indians are stated to have used this cover as a place of ambush.

There are few references in the early narratives to the flowers discovered in Virginia. The forest, we are informed in general terms, was adorned with their colors, representing many shades. Percy declares that the ground in the vicinity of Jamestown overflowed to such a degree with flowers that it presented the aspect of an English garden in spring,[4] and this was characteristic of the country wherever the adventurers extended their explorations. Indeed, there are few scenes possessing a rarer beauty than the Virginian forest at the season of the year witnessing the arrival of the English voyagers in the Powhatan, and it is easy to conceive the admiration which the blossoming trees and shrubs excited in the susceptible

[1] *Works of Capt. John Smith*, p. 58.
[2] The most notable were observed at Kecoughtan.
[3] *Works of Capt. John Smith*, p. 414.
[4] Percy's *Discourse*, p. lxvii.

minds of the more cultivated and refined members of the band. The dogwood was then in bloom and in itself was sufficient to decorate the long aisles of the primæval woods; there were a thousand other wild flowers to mingle their varied hues with the deep verdure of the trees, but of these flowers, the violet and the rose were among the few mentioned by name in the early narratives, although there must have been many species familiar to English eyes.[1] The briar, honeysuckle, and alder were doubtless as numerous then as they are now, as well as other varieties equally well known in the present age.

One of the most striking features of the primæval forests of Virginia was the number of brooks flowing through them. Immediately upon the first landing at Cape Henry this characteristic was observed, the charm of the clear and copious streams in that vicinity, which found their way through the woods to the sea, being described as ravishing, the delight they excited in the adventurers being all the keener because a long voyage had just been brought to a close.[2] In that age the drinking water of ships was a very frequent cause of pestilence among the passengers, owing to the inferior contrivances for keeping it wholesome. It is an interesting fact to recall that the spot where the excellence of Virginian water was first recognized by English-speaking people was near to the famous Drummond Lake in the Dismal Swamp, which for so long a period enjoyed a special reputation among mariners on account of the length of

[1] The violet suggested to the minds of the practical colonists only thoughts of "brothes and sallets." *Works of Capt. John Smith*, p. 58. Glover gives the names of a number of plants which he observed in Virginia in the course of his visit to the Colony towards the end of the seventeenth century. See *Philo. Trans. Roy. Soc.*, 1676–1678, vols. XI–XII, p. 629. See also Clayton's *Flora Virginianica*.

[2] Percy's *Discourse*, p. lxi.

time the purity of its water was preserved when carried to sea in casks. This was thought to be due to the influence of the slight tincture of juniper distinguishing it, but no part of the world furnishes a finer natural fluid for drinking purposes than the whole of this general division of country. In the seventeenth century, all vessels leaving the Powhatan on their outward voyage took in their supply of water at Newport News, where a very bold spring was situated.[1]

Wherever Virginia was explored by the early colonists, the same beautiful and copious streams were observed. It was said that there was a crystal brook in every valley and that the number of watercourses was so great that one was reminded of the veins in the human body.[2] Spelman, who, as a captive among the Indians, spent a great many years of his life wandering throughout the whole area of country lying between the Powhatan and the Potomac, described it as being interspersed with a vast number of brooks, creeks, small and large rivers.[3] The head of water in the Virginian springs was considered to have been more eager than in the English, and in some places a stream burst from the ground with so much force and in such volume that in after times it was able, without any addition, to turn the wheels of a grist mill erected only a short distance from the source.[4] The

[1] "The 10th of March (1633) we sailed up the river (James). When we came to Newport Snüw (News), we landed and took in Water. A fine spring lies inside the shore of the river convenient for taking water from. All the ships come here to take in water on their way Home." Devries' *Voyages from Holland to America*, p. 49. Again, "The 20th, we proceeded to Kicketan and anchored at evening before the point of Newport Snüw (News), where we took in Water," p. 53.

[2] *Works of Capt. John Smith*, pp. 18, 49; Nova Britannia, p. 11, Force's *Historical Tracts*, vol. I.

[3] Spelman's *Relation of Virginia*, p. cvi.

[4] Beverley's *History of Virginia*, p. 94. Clayton states, "There's a

water of these natural fountains was thought to require a larger amount of malt in the production of beer than the water of English springs, and in its use, soap did not lather so quickly or so freely.[1] The branches from the springs ran down to the creeks, which were mere arms of the greater streams. So numerous were the creeks, and so enormous the volume of water which they delivered, that the rivers receiving them continued fresh fifty, sixty, and sometimes an hundred miles below the flux and reflux of the tide, and not infrequently within thirty and forty miles of the Bay itself, although so wide as they approached the Chesapeake that the great inundations in the upper streams made no apparent impression in increasing the mass of their waters.[2]

There are few countries in the world possessing in so limited a space such magnificent rivers as the Potomac, Rappahannock, York, and James. Indeed, in their lower sections they are estuaries rather than rivers. At some points the York and James are only five miles apart, while the distance between the Rappahannock and Potomac in several places does not exceed eight miles. Observing the vast floods of these broad streams, many persons among the early colonists were disposed to think that the day would arrive when Virginia would be the

spring in the Isle of Wight or Nanzamond County vents the greatest Source of water I ever saw except Holy Well in Wales." Clayton's *Virginia*, p. 12, Force's *Historical Tracts*, vol. III. Clayton also informs us that when he visited the Colony (about 1686) there was at Lady Berkeley's (Green Spring) "a spring so very cold that 'twas dangerous drinking thereof in Summer time, it having proved of fatal Consequence to several," p. 13.

[1] Clayton's *Virginia*, p. 12, Force's *Historical Tracts*, vol. III. "Few of the waters in Virginia," Clayton records, "but participate of a petrifying quality. . . . I have found many sticks with crusty congelations round them in the Ruins of Springs," p. 13.

[2] Beverley's *History of Virginia*, p. 94.

Netherlands of America.[1] This wealth of navigable rivers was to exercise an extraordinary influence upon the future of the country. At every half mile of their course, there were safe roads for great fleets, allowing masters of ships to sail wherever it was most agreeable to the convenience of the planters, who were thus furnished at their very doors with highways leading directly to England and other foreign countries. Not only were the main streams, the York, Powhatan, Potomac, and Rappahannock, full of safe and spacious harbors, but the streams of secondary importance, the Nansemond, Chickahominy, Pocoson, Pamunkey, Mattapony, Corotoman, Wicocomico, and Pyanketank were deep enough in their lower stretches to afford the amplest room for very large merchantmen.[2] It was soon discovered that most of the rivers were distinguished at their mouths for the narrowness of their channels. When the first colonists attempted, in the spring of 1607, to make their way into the present Hampton Roads, the soundings disclosed such shallow water, the depth not exceeding a fathom and a half,[3] that they despaired of a further advance until a small party embarking in a boat and rowing over to the northern side, found immediately by the shore an entrance measuring as much as six, eight, ten, and twelve fathoms in depth. So relieved were the whole company by this discovery that the adjacent land was given the name of Point Comfort, which it has borne to this day.[4] The

[1] Clayton's *Virginia*, p. 11, Force's *Historical Tracts*, vol. III.

[2] Beverley's *History of Virginia*, p. 93.

[3] Report of the Voyage to Virginia in behalf of Don Diego de Molina, 1611, Spanish Archives, Brown's *Genesis of the United States*, p. 519.

[4] Percy's *Discourse*, p. lxiii. The statement as to depth is confirmed in the Report of Molina, Spanish Archives, Brown's *Genesis of the United States*, p. 519. The original depth of the harbor, advancing up the Roads, is said by Molina to have been from eight to five fathoms. He

channel here was narrow enough to be defended by so small and short-ranged a piece of ordnance as the sacre. The strategic advantages of the general locality were early recognized. Fort Algernon has been replaced in modern times by Fortress Monroe, which is likely to be maintained indefinitely unless there is a greater revolution in the methods of marine warfare than has been foreshadowed by inventions in the past.[1] The channel at the mouth of the Nansemond was only three fathoms in depth, and extensive shoals offered serious obstruction to entrance into the Rappahannock.[2] The York, a magnificent body of water, which, if situated in the Old World, would have long ago been celebrated in song and romance, was, unlike the Powhatan and Rappahannock, the two greatest of its fellows with the exception of the Potomac, distinguished for a deep channel where it emptied into the Bay, but this was largely due to the contraction of its bed near its mouth;[3] it offered a marked difference in this respect from the other great rivers of Virginia, which grew steadily broader as they approached the Chesapeake.

In the vicinity of Jamestown Island, there was a tide and half tide, that is to say, there was a flow for two hours along the line of shore before the ebb was observed in the centre of the stream.[4] The flux and reflux under the influence of the sea extended to the foot of the Falls of the Powhatan, the rise in the water between the Falls

declared that it would furnish "a very good anchoring place for ships under shelter from all winds," p. 519.

[1] Fort Algernon, when Molina, the Spanish spy, saw it in 1611, consisted of stockades and posts without stone or brick, and contained seven pieces of artillery, all of iron. It was manned by forty persons capable of carrying arms. See Report, Spanish Archives, Brown's *Genesis of the United States*, p. 519.

[2] *Works of Capt. John Smith*, pp. 32, 113.

[3] At the modern Gloucester Point.

[4] Clayton's *Virginia*, p. 11, Force's *Historical Tracts*, vol. III.

and the mouth being calculated to be four feet, which permitted vessels of as much as three hundred tons in burden to make their way, in spite of the accumulation of logs on the floor of the stream, to a point about five miles below the place where all further advance was suddenly interrupted.[1] In this stretch of five miles before the Falls were reached, the river was navigable for barges of a draught not exceeding six feet. On the north side of the river below the Falls, soundings disclosed a depth here and there of five and six fathoms.[2] Throughout the whole of the upper course of the Powhatan, large and small islands were discovered, and so numerous were they at the Falls that the forest seemed to extend in an unbroken line of verdure across the breadth of the river. Islet after islet arose among the tumbling waters, suggesting to the English voyagers their admirable suitability as sites for water-mills,[3] a use, however, to which they have never been put, although a great city has arisen on the eastern shore of the main stream. The fact that most of these islets have been subject to overflow in the sudden inundations of the river has probably acted as a deterring influence ; canals have also brought the propulsive force of the Falls to mills situated on the mainland many feet above the danger of floods in the stream below. The water of the Powhatan, in spite of the regular flow of the tide, was entirely devoid of brackishness in the vicinity of the

[1] Good Newes from Virginia, Brown's *Genesis of the United States*, p. 586. *Relatyon of the Discovery of our River*, p. xliv. Glover, writing near the end of the century, remarked upon the fact that when the wind was blowing strongly from the northwest, the tides were hardly discernible. Under ordinary circumstances, they did not rise to the same height as in England, which he attributed to their diffusion in so many spacious rivers. *Philo. Trans. Roy^l. Soc.*, 1676–1678, vols. XI–XII, p. 624.

[2] *Relatyon of the Discovery of our River*, pp. xlii, xlv.

[3] *Ibid.*, p. xliv.

Falls; at Jamestown, the presence of salt at high tide was very observable, but it was not so marked as to make the water unfit for drinking purposes. The same graduation was to be detected in all of the larger rivers until they reached the Bay, when they became a portion of the great body of sea water.

If the Powhatan, York, Rappahannock, and Potomac were noble streams, both in breadth and volume — and the grandeur of their lower stretches must have been more impressive when the primæval forests grew along their shores than they are to-day, although history has imparted to them a new charm and a new interest — the Chesapeake into which they flowed possessed characteristics equally as beautiful and striking when the sail of the first English explorer gleamed upon its unknown bosom. When John Smith made his first memorable voyage in the Chesapeake, he found it interspersed here and there with islands, some of which were wooded and well watered, while others were barren and deserted by every form of animal life except marine birds.[1] At the mouth of the Bay there were eight fathoms of water; elsewhere the soundings marked a depth ranging from five to fifteen fathoms, and a channel of seven or eight fathoms could be discovered without difficulty. The bottom was generally level and uniform, and was devoid, even at distant points, of ledges of rocks or bars of sand.[2] To the mariner there was but one drawback, and this was not of a very serious char-

[1] *Works of Capt. John Smith*, pp. 414, 415.

[2] Strachey's *Historie of Travaile into Virginia*, p. 44. In the Report of the Voyage to Virginia, 1611, Spanish Archives, Brown's *Genesis of the United States*, p. 519, it is stated that at the time of the first settlement of the Colony the depth of the entrance to the Bay from the ocean was from twelve to fourteen fathoms. According to Glover (1676), the Chesapeake had, throughout its extent, an average depth of about nine fathoms. *Philo. Trans. Roy. Soc.*, 1676–1678, vols. XI–XII, p. 623.

acter; it was vexed by sudden gusts of wind and heavy storms of lightning, thunder, and rain,[1] but so easy and smooth was the navigation as a rule that it was asserted in after times that many masters of ships ventured to the head of the Bay upon the slender knowledge of an ordinary seaman, and that experience acquired in a single voyage was ample to justify a sea-captain in exploring every part of it without a pilot.[2]

The shores of the Bay had a counterpart in safety in the whole of the coast line of Virginia. It was bold but uniform, and so free from all obstructions throughout the year that a ship could approach it by night as well as by day without taking soundings. Knowledge of the latitude alone was required on the part of the mariner to shape his course. When the weather was clear, the largest vessel could sail directly in and obtain secure anchorage at the first point of land which was reached, or if a hurricane arose, a refuge could be found in the open sea or in the protected waters within the Capes.[3] In the present age when violent storms are blowing on the ocean without, the surface of Hampton Roads is frequently dotted with the white canvas of several hundred ships of various sorts which have entered to escape the dangers of the outward voyage or to await the return of more favorable winds; and the same use was made of this magnifi-

[1] *Works of Capt. John Smith*, p. 414.

[2] Beverley's *History of Virginia*, p. 93.

[3] Beverley's *History of Virginia*, p. 91. Nova Britannia, p. 11, Force's *Historical Tracts*, vol. I. The Report of the Voyage to Virginia, 1611 (Spanish Archives, Brown's *Genesis of the United States*, p. 518), declares, "that the depth of water at a distance of forty leagues from the coast was 60 fathoms; at thirty leagues, 50 fathoms; at twenty leagues, 36 fathoms; at ten leagues, 18 fathoms; and at five leagues, 15 fathoms; and within the five leagues from the land, the least water that there is, 5 fathoms to 4."

cent harbor in the early history of the American colonies. The perilous character of the shoals of Hatteras only served to accentuate the natural advantages of the Virginian coast, a difference which the original settlers of the new country had practical occasion to recognize.

Both along the seaboard and on the shores of the Bay and in the lower valleys of the principal rivers, there was a vast extent of land which was converted into a permanent fen by its low situation; many of the marshes did not exceed twenty acres in area, but others covered the surface of many thousand, and in some instances could only be measured by a standard of miles. An attempt was made, by those who wished to darken the prospects of the infant colony, to disparage it by asserting that Virginia was largely composed of marshland. Butler declared that the country was interspersed with innumerable muddy lakes, bogs, swamps, and creeks,[1] but this was indignantly denied, and by no one with more warmth than Smith, who stated that he knew of but few marshes in the tract of James River, and these on the whole were more profitable than hurtful; and he went so far as to say that there was far more ground of this character between Eriff and Chelsea in England than between Kecoughtan and the Falls of the Powhatan, a distance of one hundred and fifty-nine miles by the course of the river.[2] Relatively speaking, this assertion of Smith was doubtless correct. The area in marsh was certainly small

[1] "Unmasking of our Colony in Virginia as it was in the Winter of 1622," by Nathaniel Butler, late Governor of Bermuda. This paper is printed in the *Abstracts of Proceedings of Virginia Company of London*, vol. II, p. 171.

[2] *Works of Capt. John Smith*, p. 610. See also the reply to Governor Butler's Unmasking of Virginia, *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 175. Smith placed the distance at 180 miles.

in comparison with the extent of dry and solid land, but apart from this, the marshes must have constituted a notable feature of all the country below the furthest line reached by the tide in the rivers. In the country to the west of this line, for instance in the country west of the Falls of the Powhatan, no trace of boggy land was to be discovered; that part was elevated and heavily wooded, with rocky hills here and there and with little champaign. In the lower valley of the Powhatan, marshes undoubtedly existed to a considerable extent. In his account of the landing at Cape Henry, Percy refers to those which he saw there, and which seemed to him to be admirably adapted to become pastures for cattle, an evidence that the ground was firm and only subject to periodical inundations of the sea. Properly speaking, it was meadow land not submerged sufficiently long to be turned into a weedy ooze, affording a footing neither to man nor beast;[1] and this was not improbably the character of the great majority of these original marshes. It may have been this fact which led Smith and others to deprecate the charge that a large proportion of Virginia was an unhealthy swamp. Among the many marshes described by Smith himself in his exploration of the Powhatan and Chickahominy, was the one at Manosquosick that spread over an area five miles in circuit. On the York, or, as it was called by the Indians, the Pamunkey, they were equally numerous. From the residence of Opechancanough above the present West Point, which occupied a commanding site, a very expansive view was to be obtained of the marshy plains adjacent to the river, produced by its tortuous channel. The ooze of the Pamunkey must have extended for some distance into the stream even where there was no indication of vegetable growth,

[1] Percy's *Discourse*, p. lxix.

for we are told that when Smith visited the Emperor at Werowocomoco in 1608, in attempting to embark, his boat stuck in the mud a stone's throw from the land and he was compelled to wait for the turn of the tide.[1] It was a curious fact, which excited comment in after times, that in spite of the great extent of marshland in Virginia, the ignis fatuus was rarely observed.[2]

As might have been expected of a country so interspersed with fresh water streams and with arms of the sea, aboriginal Virginia was found to teem with innumerable varieties of fish; it is reported that their abundance was so vast when the first colonists arrived, that the Indians were in the habit of killing them in the brooks and creeks with ordinary sticks. The colonists themselves asserted that in the spring when the migration from the ocean took place, the small streams were so full of fish as to render it hardly possible to ride a horse through the waters without treading on them, and the freshes of the river fairly stank in the breeding season with those that had died from exhaustion or starvation before they were able to return to the sea.[3] The probability of this statement seems to be confirmed by the account given in the present century by members of the expeditions sent to explore the waters of the Columbia and its branches, the same phenomenon of the air tainted in the spring by the dead fish that had crowded into these streams to breed, being observed there. In their voyage of discovery in the Chesapeake, Smith and his companions found at different points schools of fish agitating the surface of the water, and so thickly did they swarm that the Englishmen were prompted to catch them simply by scooping them up in

[1] *Works of Capt. John Smith*, pp. 12, 28, 29.
[2] Clayton's *Virginia*, p. 8, Force's *Historical Tracts*, vol. III.
[3] Beverley's *History of Virginia*, p. 117.

frying pans.[1] These were probably alewives, which were described by subsequent writers as being infinite in number.[2] Smith also observed in the same voyage many fish swimming about among the reeds growing in the water at the mouth of the Rappahannock.[3] The sheepshead, always so much esteemed for its delicacy, was almost as common as the alewife; it is interesting to note that one of the early authors who gave a description of Virginia, attributed the origin of the name not to the resemblance which this fish bore to the sheep in the shape of its mouth and head, but to the alleged fact that a broth could be made of its flesh exactly like the broth of mutton.[4] There were countless numbers of shad, sturgeon, herring, and rock. The shads were frequently a yard in length. Far more remarkable in size as well as in number were the sturgeons. In one cast of the seine, Sir Thomas Dale secured over five thousand of these fish as large as a cod. Dale was reluctant to use his net because he was apprehensive lest it should be broken by the weight of sturgeon, but this fear does not seem to have influenced the men who were stationed at Smith's Isles, since it is recorded that on one occasion they drew to the shore a struggling mass of sturgeon and other fish that would have afforded a full cargo for an ordinary frigate. It is also stated that in the course of a few hours two men had killed forty enormous sturgeon with axes in the river near Jamestown.[5] From the end

[1] *Works of Capt. John Smith*, p. 418.

[2] Beverley's *History of Virginia*, p. 117.

[3] *Works of Capt. John Smith*, p. 419.

[4] New Description of Virginia, p. 17, Force's *Historical Tracts*, vol. II. Glover attributes the name to a fancied resemblance between this fish's eye and that of a sheep. *Philo. Trans. Roy. Soc.*, 1676–1678, vols. XI–XII, p. 624.

[5] Rolfe's Relation, *Va. Hist. Register*, vol. I, No. III, p. 106. "I tooke once 52 Sturgeons at a draught, at another 68." *Works of Capt. John Smith*, p. 347. Smith was here speaking of himself.

of May to the end of June the sturgeon caught were rarely more than three feet long; up to the middle of September, very few shorter than nine feet were taken,[1] and some were observed to be twelve feet. Drum fish six feet in length were also found.[2]

In addition to the fish mentioned, there were in the waters of Virginia when first explored, grampus, porpoise, soles, butts, mullet, white salmon, seals, roach, plaice, eels, lampreys, cat, perch, tailor, sun, bass, chub, flounder, whiting, flatback, jack, carp, pike, and breme. In this list should also be included the stingray, one of which variety inflicted a severe wound on Smith in his voyage in the Chesapeake, and from that incident, it enjoys the permanent honor of having conferred its name upon a promontory of the Bay. There was a small fish resembling St. George's Dragon, with legs and wings omitted, and also a fish that had the power to inflate itself until it appeared to be on the point of bursting its body to pieces.[3] Strachey informs us that he had seen oysters in Virginia that were thirteen inches in length, but this estimate probably took the shell into account.[4] Oyster banks rose above the surface at ebb tide in the mouth of the Elizabeth River like rocks in the bed of the stream,[5] and equal quantities were discovered at points in the lower stretches of the Powhatan. In the fall of 1609, a large number of the famished colonists were sent to these banks as a means of preserving their lives, and there they remained for nine weeks sustaining existence on oysters, to which a pint of Indian corn for each man was added as a week's

[1] *Works of Capt. John Smith*, p. 347.

[2] New Description of Virginia, p. 17, Force's *Historical Tracts*, vol. II.

[3] *Works of Capt. John Smith*, p. 61.

[4] Strachey's *Historie of Travaile into Virginia*, p. 127.

[5] Glover, *Philo. Trans. Roy^l. Soc.*, 1676–1678, vols. XI–XII, p. 625.

allowance. The continued use of this diet is said to have caused the skins of the unfortunate men to peel from their bodies, but this physical ailment, which was doubtless very much exaggerated, could hardly have been due to such innocent food. General debility arising from long exposure to the sudden changes of the new climate and from alternations between abundance and starvation and starvation and abundance, not to speak of the mental agitation undergone in the efforts to repel the assaults of the savages and to establish the settlement on a permanent footing, had most probably induced the physical condition which the colonists attributed to the fare upon which they subsisted.[1] Mussels were as numerous in the rivers wherever the water was fresh as oysters were where it was salt. They were especially abundant at Wyanoke.[2] The bed of the Powhatan at that place was covered with shells. There were two varieties of crabs, the larger being a foot in length and half a foot in width, with a very long tail and with many legs. One alone furnished food for four men. Turtles were also found in the Bay and rivers. The tortoises discovered on land were eaten daily by the early colonists.[3]

If the waters of aboriginal Virginia teemed with fish, the wild fowl frequenting the same waters were hardly less remarkable in point of number and variety. As soon as September arrived they began to appear in vast

[1] "Breife Declaration of the Plantation of Virginia during the first Twelve Years," *British State Papers, Colonial*, vol. III, No. 21, I. This interesting document will also be found in *Colonial Records of Virginia, State Senate Doc. Extra, 1874*, p. 69. For special reference, see p. 70.

[2] *Relatyon of the Discovery of our River*, p. xli. See also *Works of Capt. John Smith*, p. 7.

[3] Strachey's *Historie of Travaile into Virginia*, p. 127. Description of the New Discovered Country, *British State Papers, Colonial*, vol. I, 15, I; *Winder Papers*, vol. I, p. 2, Va. State Library.

flocks, being drawn to the rivers and sounds by the heavy growth of wild celery and oats and other aquatic plants upon which they were in the habit of feeding. Some conception of their multitude may be obtained from the fact that Smith and two companions passing Kecoughtan on their way to Werowocomoco are said to have killed at three shots one hundred and forty-eight.[1] Robert Evelyn, writing forty years after the foundation of Jamestown, has recorded that flocks of marine fowl a mile square and seven miles long, were seen in the upper waters of the Chesapeake in the immediate neighborhood of the marshes lying along the shores ;[2] this would seem well nigh incredible, but it should be remembered that in aboriginal Virginia there was no hostile influence whatever to diminish the number of wild fowl, the weapons of the Indians being too feeble to destroy them to any great extent. For countless ages they had been propagating without any hindrance. The Chesapeake and its tributaries furnished inexhaustible feeding grounds, and here they gathered in their annual migration from the North. There was the magnificent swan uttering its trumpet notes as it wheeled in the air ; the wild goose coursing with its fellows in long lines or browsing upon the grasses of the shores ; and the duck in all those varieties so well known to modern sportsmen, the canvas-back, the red head, the mallard, the widgeon, the dottrell, the oxeye. Incalculable numbers of plover, snipe, woodcock, and curlew, some

[1] *Works of Capt. John Smith*, p. 449. This number seems incredible.

[2] New Albion, p. 27, Force's *Historical Tracts*, vol. II. "On the Bay and Rivers feed so many wild fowl as in winter time they do in some places cover the water two miles." Glover, in *Philo. Trans. Roy. Soc.*, 1676–1678, vols. XI–XII, p. 626. Whitaker, in his *Good Newes from Virginia* says, "the rivers and creekes bee overspread everywhere with water foule of the greatest and least sort." Brown's *Genesis of the United States*, p. 586.

smaller and some larger than the same species in England, haunted the marshes.[1] No reference was made by the early adventurers to the presence of the reed-bird and the sora, but doubtless both were just as abundant in aboriginal Virginia in the autumn as they are in the State at the same season to-day.[2] When the voyagers of 1607 arrived in the Chesapeake, the flocks of geese, swans, and ducks had retired to their breeding grounds in the North. The first birds apparently to make more than a passing impression upon the Englishmen, were the blackbird and the turkey, which they saw in great numbers as they sailed up the Powhatan. They observed that the blackbird had a brilliant tuft of red feathers on each shoulder;[3] this species is still very common in the reedy marshes of the James, and among the willows that grow upon its banks. The turkey long ago retired to distant forests, but was so often seen in the course of the first explorations of the Powhatan that its name was given to an island in the river, a name which it still bears.[4] On this island, a great store of turkey eggs were found, an indication of the wildness and loneliness of its surroundings, for the turkey has always sought the most secluded spots for the preparation of its nest. Flocks of forty were frequently observed by the settlers at Jamestown.[5] Evelyn goes so far as to say, that in the country adjacent to the upper sections of the Chesapeake, flocks of four and five hundred were not unusual,[6] and this does not seem to be wholly improbable when it is remembered that every

[1] Clayton's *Virginia*, p. 33, Force's *Historical Tracts*, vol. III.

[2] The first reference to the sora which I have observed is in a letter of John Clayton, 1739, printed in Richmond (Va.) *Dispatch*, Sept. 8, 1889.

[3] Percy's *Discourse*, p. lxvi.

[4] *Ibid.*, p. xlii.

[5] Strachey's *Historie of Travaile into Virginia*, p. 125.

[6] New Albion, p. 27, Force's *Historical Tracts*, vol. II.

species of game was more numerous in the other parts of the territory of Virginia than in the peninsula between the York and the James, this peninsula having been more systematically ravaged by the Indians. That such was the case was due to the fact that these two broad rivers, running parallel to one another and separated only by a short distance, prevented the game from escaping. In some instances, the turkeys killed by the early colonists are said to have weighed fifty and even seventy pounds, while a weight of forty, it seems, was quite common.[1] The flesh of this bird was pronounced by many to be the most delicately flavored they had eaten in Virginia.[2]

There were three varieties of eagles: the black, the gray, and the bald. The black built its nest in the top of some blasted tree standing near the shore, and commanding a prospect of a wide expanse of water. Here it sat, gazing up and down in the expectation of the rising of fish-hawks, which had darted upon their prey below the surface. The fish-hawk was frequently large enough to carry off a rock fish two feet in length.[3] In addition to the varieties of hawks subsisting on fish, there were several varieties that confined their search for food to the land, such as the hare, the sparrow, and the ringtail. White, brown, and screech owls were common,[4] and the crow too, a bird destined to do

[1] Bullock's *Virginia*, p. 5; Clayton's *Virginia*, p. 30, Force's *Historical Tracts*, vol. III. The largest that Clayton saw weighed thirty-eight pounds (p. 30). Evelyn mentions one weighing forty-six.

[2] Strachey's *Historie of Travaile into Virginia*, p. 125.

[3] Clayton's *Virginia*, p. 28, Force's *Historical Tracts*, vol. III; Beverley's *History of Virginia*, p. 122.

[4] On one occasion it is probable that the cry of the horned owl, so well known for its ghostly sound to all familiar with the plantation life of Virginia, was mistaken by the colonists for the Indian call. Sir Thomas Dale, with a company of men, had gone to the Falls of the Powhatan. There one night, while they were "att praiers, in the cours of guard, a strange noise was heard coming out of the corne towards the trenches

great damage to the maize of the colonial farmers when the country had been brought under cultivation. It was these destructive habits which doubtless caused it to be regarded with equal aversion by the Indian tillers of the ground. The crows were to increase in number as the area of open land enlarged. The same was to be the case with the turkey-buzzards, which could not have found, in the vast body of forest covering the surface of Virginia three hundred years ago, the same abundance of carrion as to-day. There were several varieties of heron, the plumage of one variety being as exquisite in its whiteness as the plumage of the swan, while the legs were of a roseate color.[1] The bittern was also seen in Virginia but did not utter the peculiar booming cry of the bittern of the Old World. Clayton refers to the night raven or the Virginian bat, but leaves it in doubt whether he intended the bull bat or the whip-poorwill, two birds resembling each other in appearance, but very different in their habits and notes.[2] It is highly probable that one of the principal sounds at night greeting the ears of the colonists as they languished in the fort at Jamestown in the summer of 1607, was the call of the

of the men, like an Indian hup, hup, with an Oho! Oho! . . . Suddenly as men awaked out a dream, they began to search for their supposed enemies, but findeing none remained ever after very quiett." See letter of Whitaker to Crashaw, Brown's *Genesis of the United States*, p. 498. The Indians on this occasion may, while lying in ambush, have imitated the cry of the owl as a means of signalling to each other.

[1] When the expedition of Captains Amadas and Barlow landed, in 1584, on the coast of the present State of North Carolina, the company of men, in the course of their exploration, came to a hill, from whence they looked down upon valleys "replenished with goodly cedar trees." Discharging their harquebusses, there arose "such a flocke of cranes, the most part white, with such a cry redoubled by many ecchoes, as if an armie of men had showted altogether." The First Voyage to Virginia, Hakluyt's *Voyages*, vol. III, p. 302.

[2] Clayton's *Virginia*, p. 29, Force's *Historical Tracts*, vol. III.

whippoorwill, which has become associated in more recent times with everything that superstitious terror can suggest. It is essentially a forest bird and must have been as common in aboriginal Virginia as it is in the Virginia of to-day ; there appears, however, to be no distinct allusion in the narratives of the early writers to its characteristics or even to its existence. No such bird was to be found in England, a fact well calculated to impress its individuality the more strongly on the first adventurers. The jay of Virginia was somewhat smaller than the English bird but dissimilar in color ; the body of the English jay was brown while that of the Virginian bird was blue, but the wings of both were marbled in the same curious manner, both were remarkable for the same discordant cry, and both in flight had the same abrupt and jetting motion. There was a species of bird that rarely arrived before the fall of the first snow, which became so much associated in the minds of the English settlers with this element that it received the name of the snow-bird, and as such it is known to this day. The plumage of its back and wings was light black in color while its breast was white ; and, like the ordinary sparrow, it showed a strong disposition to frequent the vicinity of dwelling-houses.[1]

Much more interesting was the cardinal or red bird, which was always described as the Virginian nightingale, on account of the clearness and strength rather than the variety of its notes. In a later age many of these birds were purchased for a few pence by the merchants and shipped to England, where they were kept in cages, not so much, it is to be suspected, for the charm of their voices as for the beauty of their plumage.[2] There were two varieties of the lark, one of which resembled the common

[1] Clayton's *Virginia*, p. 33, Force's *Historical Tracts*, vol. III.
[2] *Ibid.*, p. 32.

variety of England; the other was as large in size as the English starling, with a half moon of yellow feathers on its breast. It rarely rose from the ground unless disturbed. This is the familiar lark of modern Virginia, associated in the popular mind with the abandoned broom-straw fields that lie scattered so thickly through the State. One of the finest of all the English singing birds is the skylark, but none of this variety comparable to its English fellow in charm of vocal power, was found by the early settlers. The yellow-breast uttered a low, soft, but unsustained note, while the voice of the smaller variety was still more indifferent in quality. In addition to the lark, there were the kingfisher, which haunted the banks of the streams, the dove, which frequented the forest, and the humming-bird, which sought its food wherever wild flowers were growing. Equally interesting was the martin, which from its aggressive character acquired very soon the name of the kingbird. Fifty years after the arrival of the English in Virginia we find that this bird was used by the planters to protect their poultry from the hawks; a conspicuous object attached to the upper portion of one side of the house of Nathaniel Bacon, Sr., was a large box full of holes, in which the martin might build its nest.[1] One of the most beautiful birds observed by the early colonists was the bluebird, deriving its name from the curious azure coloring of its plumage. Several varieties of goldfinches were also found. The Virginian partridge was larger than the English quail, but the pheasants of the two countries did not differ so much in size.[2]

[1] Clayton's *Virginia*, p. 32, Force's *Historical Tracts*, vol. III.

[2] "Partridges there are much smaller than ours." Clayton's *Virginia*, p. 30, Force's *Historical Tracts*, vol. III. Strachey, on the other hand, perhaps referring to pheasants, declares that "partridges there are little bigger than our quails." *Historie of Travaile into Virginia*, p. 125.

The flocks of wild pigeons were at times so vast that they darkened the sky as they pursued their way on the wing, or broke down the limbs of the trees upon which they lighted in passing. Hamor asserted that their number surpassed the power of imagination to conceive, and that it frequently required three or four hours for the mighty cloud of these birds to pass a single point, although the rate of speed maintained by them was enormous.[1] The account of these phenomenal numbers was received in England with incredulity, but the testimony was confirmed by so many witnesses, that no doubt could remain as to its correctness. Similar flights of pigeons have been observed in more recent times, and in proportions leading to the belief that the witnesses of the seventeenth century undercalculated rather than overcalculated the number seen; in the period when Hamor recorded what he had followed with his own eyes, the wild pigeons had been propagating for countless ages without being diminished by those agencies which civilized man has in later times successfully brought to bear for their wholesale destruction.[2]

[1] Ralph Hamor's *True Discourse*, p. 21.

[2] Strachey speaks of the flights of pigeons as resembling "thickned clowdes." See *Historie of Travaile into Virginia*, p. 126. Devries describes as follows what he observed in 1633: "In April, while we were lying in the South Bay (Delaware), there came in hundreds of thousands of wild pigeons, flying from the land over the bay. Indeed, the light could hardly be discerned where they were. Sometimes they flew upon the ship pressed down by numbers as they came over the bay." Devries' *Voyages from Holland to America*, p. 55. One of the three great natural phenomena, that foreshadowed in the popular superstition the uprising of Bacon and his followers, was flight after flight of pigeons, "in breadth nigh a quarter of the mid-hemisphere; of their length was no visible end." The same prodigy had been seen in 1640, just before the massacre of the settlers by the Indians took place. T. M.'s *Account of Bacon's Rebellion*, p. 1, Force's *Historical Tracts*, vol. I.

It is a curious fact that several of the early writers assert that the parakeet was a common bird in Virginia when it was first settled. Hamor mentions that he had observed many parakeets in winter in the new country, a statement which Strachey confirms by declaring that flocks of them made their appearance in the early part of December. He had frequent opportunities of examining their plumage after killing them, which it was difficult to do, as they were very swift in their flight. He describes the wings of this bird as being of a greenish color, the head varied in tint, being either yellow, crimson, orange, or tawny, but in either instance extremely beautiful. The tail was forked. These are the physical features of the ordinary parakeet. If this bird was found in Virginia when it was first explored, of which from this description, it seems, there can be no doubt, it now has entirely disappeared, an assertion that cannot be made concerning the other species to which the earliest observers have left references. There is no modern bird with which the parakeet of Hamor and Strachey can be identified; there is none that even approaches it in the general character of its plumage.[1]

Of the numerous varieties of the woodpecker, one was as large in size as the English magpie, having a scarlet

[1] "Some of our Colonie who have seene of the East Indian Parrotts affirme how they are like to that kynde, which hath given us somewhat the more hope of the nerenes of the South Sea, these parrotts by all probability like enough to come from some of the countrys upon that sea." Strachey's *History of Travaile into Virginia*, p. 126. For further reference to the Virginian parrot, see letter of Francis Perkins, dated 1608, Jamestown, in Brown's *Genesis of the United States*, p. 175; *Works of Capt. John Smith*, p. 60; New Description of Virginia, p. 15, Force's *Historical Tracts*, vol. II. This parrot was doubtless the Psittacus Caroliniensis. It must have disappeared from Virginia before the close of the century, as neither Glover nor Clayton, both unusually observant men, make any reference to its presence.

crest on the head, and the body covered with feathers brownish-black in color; the other kinds were very much smaller, with the head tinted green, red, or yellow, and with the plumage of the body curiously varied with black, white, gray, and brown spots.[1] By far the most remarkable of the birds discovered in Virginia, and recognized as such in the beginning, was the mocking-bird. It was an object of wonder and admiration to the early adventurers, and it continued to excite the same emotions in later generations as the jester and comedian among birds. The mocking-bird has always shown a strong disposition to build its nest near dwellings, haunting the surrounding trees and shrubbery, and it doubtless exhibited the same preference for the vicinity of the Indian wigwams before the arrival of the English colonists. There were two varieties, the larger being less attractive in its notes, less impulsive in its actions, but more striking in appearance, with its reddish-brown back and wings, and white breast spotted with brown.[2]

The fact was commented upon by Spelman, who had innumerable opportunities, as a captive among the Indians, of studying the different physical characteristics of Virginia when the first settlement was made, that in its territory every bird was found with which Englishmen were familiar at home, excepting the peacock and

[1] "There is a tradition among the Virginians," Clayton wrote in 1688, "that the tongue of the woodpecker dryed will make the teeth drop out if picked therewith, and cure the tooth ach (tho' I believe little of it, but look on it ridiculous), yet I thought fit to hint as much that others may try, for sometimes such old stories refer to some peculiar virtues." Clayton's *Virginia*, p. 29, Force's *Historical Tracts*, vol. III.

[2] Clayton's *Virginia*, p. 32, Force's *Historical Tracts*, vol. III. Clayton comments upon the fact, which had been observed even in that age, that the mocking-bird languished when removed from its native country. "With much difficulty are any of them brought to live in England."

the chicken; but not to the same extent could this be asserted of the animals, since there were many species in the new country that are only seen in the primæval forests of thinly inhabited regions.[1] The principal animal discovered in aboriginal Virginia by the first adventurers was the deer. In spite of its ruthless destruction in the peninsula between the James and the York by the Indians, that peninsula being especially adapted to the successful pursuit of their method of fire hunting, many were observed by the founders of Jamestown in the country adjacent to that place.[2] On the Eastern Shore deer were less numerous, and for the same reason, but towards the heads of the peninsulas they became more numerous, until in the upland savannahs, where there was a luxuriant growth of reeds and grasses, they were found in vast herds, and so tame as to remain undisturbed by the approach of men.[3] Two varieties were represented, the red and the fallow, the fallow differing but little from the fallow deer of England except in the smaller number of the branches of their antlers. The fallow deer of Virginia sometimes dropped as many as four fawns at a birth, and rarely less than two; Hamor,

[1] Spelman's *Relation of Virginia*, p. cvi. In the Report of Francis Maguel to the Spanish Council of State in 1610 as to what he had observed in Virginia, he included peacocks among the birds which he had seen there. See Report in Brown's *Genesis of the United States*, p. 395. He probably had the pheasant in mind.

[2] The author of the True Declaration of Virginia, p. 13, Force's *Historical Tracts*, vol. III, states that "hard by the fort, two hundred in one herd have been usually observed." This was written in 1610. "Our people," said Strachey, "have seene two hundred, one hundred and fifty in a herd." There were only a few on Jamestown Island. *Historie of Travaile into Virginia*, p. 122. The colonists who had visited Powhatan had seen at least four thousand deer skins in his possession. True Declaration of Virginia, p. 13, Force's *Historical Tracts*, vol. III.

[3] *Works of Capt. John Smith*, p. 569; *Discoveries of Loederer*, p. 28.

with some simplicity, ascribed this fecundity to a peculiar variety of grass upon which they fed, and he states that the same fecundity was remarked in the goats imported from England, the increase in the generative power of the females being very notable, this being gravely attributed by him to the same influence. Many elks were also seen.[1]

There are allusions in the early descriptions of Virginia which would seem to show that the buffalo ranged at one time to the east of the mountains. Kine, one writer asserts, had been found in great herds on some of the tributaries of the Chesapeake.[2] A hundred years later they were observed in the meadows of the modern Dan by Colonel William Byrd. Their paths were deeply worn in the soil of the Shenandoah valley when that beautiful country was first thrown open to English settlement, but they had probably entirely disappeared from the lower peninsulas of Virginia long before the arrival of the colonists, having been driven out by the Indian hunters. The wolves of aboriginal Virginia were not much larger than the English fox, but so ravenous that it was difficult for the traveller who had encamped in the woods for the night to prevent his horse from being devoured, although tethered close to his side, and in the light of the fire.[3] Eight decades after the first settlement of the country, Clayton, who was in Virginia at

[1] See, as authority for these statements, Strachey's *Historie of Travaile into Virginia*, p. 122; Ralph Hamor's *True Discourse*, p. 20; New Description of Virginia, p. 16, Force's *Historical Tracts*, vol. II.

[2] "Marching into the Countrie, I found great store of Cattle as big as Kine . . . which are very easie to be killed in regard they are heavy, slow and not so wild as other beasts of the Wilderness." Samuel Argoll to Nicholas Hawes, June, 1613, Purchas' *Pilgrimes*, pp. 1764–1765. Purchas speaks of the "shaggy" coats of these cattle.

[3] *Works of Capt. John Smith*, p. 60; *Discoveries of Loederer*, p. 14.

that time, relates that he heard them hunting in the evening when they might easily have been mistaken for a pack of beagles.[1] For a century they continued to be a pest to the planters in the oldest communities of the Colony, and valuable rewards were offered by the authorities for their destruction. The dogs found in Virginia resembled a cross between a male wolf and the ordinary bitch. Like the common jackal, they were much given to depredations upon the remains of the dead.[2]

The Virginian bear was very small. At the time of the first settlement it was found in considerable numbers towards the coast in the modern county of Princess Anne, from which it gradually retired into the recesses of the Dismal Swamp, where it still lingers. In the direction of the mountains, bears were more frequently seen; there they were discovered by later travellers, feeding like swine upon the mast of the forests. Their flesh was thought to be excellent, reminding the colonists of the finest veal.[3] The woods were full of gray foxes, and it was remarked that the odor of their bodies was less rank than that of the English breed. The red fox was also found. There were beavers in all of the streams in which they were able to erect their dams, and to some extent it was not improbably owing to the presence of these animals that there were so many inland swamps in Virginia. The raccoons were as large as the English fox, and their flesh was pronounced by many of the early colonists to be equal to that of lamb. Their peculiar shape of head and their arboreal habits perhaps originated

[1] Clayton's *Virginia*, p. 37, Force's *Historical Tracts*, vol. III.

[2] Strachey's *Historie of Travaile into Virginia*, p. 124.

[3] See for these details, Lane's Relation, Hakluyt's *Voyages*, 1610, vol. III, p. 312; Strachey's *Historie of Travaile into Virginia*, pp. 123, 124, *Discoveries of Loederer*, p. 14.

the story prevailing at one time, that monkeys had been seen in Virginia.[1] There were otters, minks, wild-cats, polecats, and martens. No reference is made by the early writers to the presence of the porcupine, but in a letter written by John Clayton in 1739, nearly a century and a half after Jamestown was founded, he mentions as a fact that several had been recently killed, although the species was extremely scarce.[2] There were three varieties of squirrel, the gray, the ground, and the flying; of these, the most interesting was the flying. When first discovered, it was considered such a remarkable creature, that it was much sought after by English noblemen as an ornament for their parks, and by English naturalists as a specimen for their cabinets. We are told that King James, who had a special taste for such pets, displayed great anxiety to obtain one of these natural curiosities when information as to their existence in Virginia reached England, and doubtless his wish was gratified.[3] This species of squirrel was not infrequently seen to make a flight of thirty or forty yards in passing from tree to tree.[4] The ground squirrel appeared hardly less interesting on account of the beauty of its coat, this being spotted like the skin of a fawn. The gray squirrel was as large as the English rabbit. The hare does not seem to have been abundant in the neighborhood of Jamestown,

[1] Strachey's *Historie of Travaile into Virginia*, p. 125. Clayton, writing in 1688, remarks: "The Rackoone I take to be a Species of Monkey, something less than a fox, gray haired, its feet formed like a hand, and the face too has likewise the resemblance of a Monkey's, besides being kept tame, they are very apish." Clayton's *Virginia*, p. 36, Force's *Historical Tracts*, vol. III. See also Strachey's *Historie of Travaile into Virginia*, p. 26.

[2] Richmond (Va.) *Dispatch*, Sept. 8, 1889.

[3] *Sainsbury Calendar of State Papers, Colonial, 1574–1660*, p. 8.

[4] Strachey's *Historie of Travaile into Virginia*, p. 123.

owing, no doubt, to the fact that the whole of the surrounding country was overgrown with forest, but on the islands and in the vicinity of Kecoughtan and the Falls, where there was a considerable area of open land, it was very numerous at the time of the arrival of the English.[1] Much more remarkable was the opossum, an animal previously unknown to the colonists, but at once exciting curiosity on account of the natural pouch in its belly, in which it lodged, suckled and transported its young. A large water rat, differing from the English water rat only in the strong odor of musk pervading its fur, was also discovered; it built a nest of reeds, frequently as large as half a hogshead, containing two floors, with two rooms to the floor, two being above and two under ground. Panthers seem to have roamed only about the heads of the rivers, for none were seen in the Jamestown peninsula, although their skins and claws were noticed among the possessions of the Indians who inhabited that part of Virginia.[2] Insect and reptile life was everywhere abundant and varied. The marshy character of the country was revealed in the number of mosquitoes, rising in many places in vast swarms.[3] A peculiar worm in the salt waters of the navigable streams inflicted serious damage on the wooden hulls of the ships by eating into the planks exposed to its attacks, and thus causing leakage and decay.[4] There were several kinds of water frogs, one kind being ten times as large as the largest in England. This variety emitted the peculiar sound like the

[1] Strachey's *Historie of Travaile into Virginia*, p. 123.

[2] *Ibid.*, p. 124. The panther was found in the Northern Neck as late as 1688. See *Letters of William Fitzhugh*, June 1, 1688. Clayton mentions that one had been recently killed in Gloucester. This was near the end of the century.

[3] Strachey's *Historie of Travaile into Virginia*, p. 63.

[4] Beverley's *History of Virginia*, p. 94.

bellowing of a bull, which has given it its name. Hardly less strange was the cry of the tree frog, which the early colonists found it as difficult to place as their descendants in the present age. There is no evidence that rattlesnakes were discovered in the country adjacent to Jamestown by the adventurers of 1607, although Clayton saw them there towards the end of the century. They were probably as numerous in the forests extending to the southwest on the opposite shore of the Powhatan as they were an hundred and twenty years later, when Colonel William Byrd was compelled to defer until autumn, on one occasion, the survey in running the boundary line, owing to the constant danger to which their presence exposed his men. Other varieties of snakes were common, such as the puff adder, the moccasin, the corn, the black, the water, and the horn.[1]

[1] Clayton's *Virginia*, pp. 38, 43, Force's *Historical Tracts*, vol. III. Clayton states that during his visit to the Colony he killed four or five rattlesnakes, each of which had eleven, twelve, or thirteen joints. This was in 1688. The "Declaration of the Assembly," passed in 1651, in opposition to the first Navigation Act, refers incidentally to "our rattlesnakes." *Virginia Magazine of History and Biography*, vol. I, p. 80. The only references to snakes which I find in the records written in the time of the Company are, first, in a letter from Sir George Somers to Salisbury, in 1610: "They (the Colonists at Jamestown in the Starving Time) had eaten all the quick things that weare there, and some of them had eaten snakes or adders" (*State Papers, Colonial, James I*, vol. I, No. 21; Brown's *Genesis of the United States*, p. 401); secondly, in the "Briefe Declaration of the Plantation of Virginia during the first Twelve Years": "Famine compelled us (that is, the English in the Starving Time) wholly to devoure those hogges, dogges and horses that weare then in the Collony, together with rats, mice, snakes, etc." (*British State Paper Office, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia, State Senate Doct., Extra*, 1874, p. 71); thirdly, Captain Smith states in his account of the animals, etc., of the country, that the colonists had no reason to think "that either the flyes or serpents were anie waie pernitious," from which it is to be inferred that the rattlesnake and moccasin were not observed until a later period, or, if observed

A full account has been transmitted to us of the character of the climate of aboriginal Virginia. The heat of summer did not exceed the heat of the summers in Spain, while the temperature in winter was as cold as the temperature of the winters in England and France. Following the round of the year, we find that the spring opened nearly four weeks earlier than in the mother country. Rain fell in great quantities, especially in April. In May and June the heat, which had now increased very much, was mitigated by gentle breezes, beginning to blow about nine o'clock in the morning, and gradually dying away as the sun declined towards the horizon; in July and August these breezes ceased altogether, the air became stagnant, and the heat grew heavy and oppressive. In September the weather broke very suddenly, and copious rains came to drench the ground. The abruptness of the change always caused this to be the most unhealthy part of the year to the English colonists. The autumn, extending in point of temperature to the second week in December, was a period of singular beauty. Winter began about the fifteenth of December, and continued until about the fifteenth of March. The atmosphere at times was extremely sharp, but this condition rarely lasted longer than a few days.[1] In the course of the

from the beginning, their dangerous powers had not been displayed (*Works of Capt. John Smith*, p. 60).

[1] See, as the authorities for these details, *Works of Capt. John Smith*, pp. 47, 48; Clayton's *Virginia*, p. 6, Force's *Historical Tracts*, vol. III. John Hammond, in *Leah and Rachel*, declares that the heat in Virginia was allayed throughout the summer by a "continual breaze of Winde which never failes to cool and refresh the labourer and traveller." "The Cold," he remarks further, "seldom approaches Sencibly untill about Christmas . . . and when Winter comes, which is such and no worse than is in England, it continues two months, seldom longer, often so long." Hammond's *Leah and Rachel*, p. 12, Force's *Historical Tracts*, vol. III.

first winter following the establishment of the Colony there were very heavy frosts, the river at Jamestown freezing almost from bank to bank, but in the course of the second there were said to have been fourteen days of sunshine for every eight or ten days of harsh weather; it was, however, during this winter that Smith visited Werowocomoco, and found the surface of the river frozen half a mile from either shore.[1] The state of the atmosphere was almost entirely governed by the direction from which the wind was blowing, and as this was very variable, the air was hot, cold, or temperate in rapid alternations. In December, January, February, and March, the north and northwest winds were always sharp and piercing, it being supposed at a later period that they had their origin on the great lakes. The northwest wind generally brought clear weather. The hardest freezes followed a heavy blow from that quarter, after an equally heavy blow from the southeast, accompanied by rain. The snow, which so often attended the northerly winds, rarely lay upon the ground for a period longer than a few days, although it may have fallen to a considerable depth. The winds from the south and southeast were warm even in January, and in summer they always produced a hazy and sultry atmosphere. It was from the southwest that the heaviest gusts of hail and rain arrived, and in the tempests brewed in this quarter, it was observed that the thunder reverberated the loudest, and the flashes of lightning were most

[1] *Works of Capt. John Smith*, pp. 48, 449; see also pp. 603, 604, for an account of the sufferings of Governor Butler and his companions from the cold in February, 1623. Secretary Spencer informed Clayton, about 1688, that he had seen the Potomac frozen from shore to shore opposite to his house, where the river was nearly nine miles in width. Clayton's *Virginia*, p. 5, Force's *Historical Tracts*, vol. III.

blinding and terrifying.[1] The thunder and lightning of aboriginal Virginia are represented in all the earliest descriptions of the country to have been far more calculated to cause alarm than the same natural phenomena in England; it was supposed that this was due to the vast extent of the primæval forests, for it was noticed that the violence of the storms diminished as the open lands of the plantations increased in area, but even in the latter portion of the seventeenth century, when the country had been in part under cultivation for eighty years, this violence was so frightful while it lasted, that the atmosphere was thought to be pervaded by a distinct odor of sulphur.[2] The tempests of hail rose to the fury of tornadoes, and as the stones were sometimes eight or ten inches in compass, they often caused very great destruction both to vegetable and animal life.[3] Excessive droughts in summer, which were generally broken by hail storms, were a common feature of the climate.

There was much diversity of opinion among the early colonists as to whether Virginia was a wholesome region from a hygienic point of view. The weight of the testimony transmitted would seem to show that the settlers upon their arrival, with few exceptions, suffered in health very severely from the sudden changes in the atmosphere, and that it was only after the body had been thoroughly

[1] See, for these various details, Clayton's *Virginia*, pp. 5, 6, Force's *Historical Tracts*, vol. III; *Works of Capt. John Smith*, p. 48.

[2] Clayton's *Virginia*, p. 8, Force's *Historical Tracts*, vol. III; *Works of Capt. John Smith*, p. 344.

[3] "On the eleventh of May, 1618, about ten of the clocke in the night, happened a most fearefull tempest, but it continued not past halfe an houre, which powred downe hailestones eight or nine inches about, that none durst goe out of their doores . . . it fell onely about Jamestowne, for but a mile to the east and twentie to the west, there was no haile at all." Rolfe's Relation, *Works of Capt. John Smith*, p. 539.

seasoned, as it was called, that these changes could be borne without any injurious impression upon its functions. In the August of 1607, three months after landing on Jamestown Island, the colonists began to die, and until the fifth of September hardly a day was unmarked by a death. Percy informs us that although many perished from the effects of fluxes, fevers, and swellings, yet the majority died from famine.[1] Famine was undoubtedly a powerful agency in the destruction of these unfortunate men, but it is open to question whether the unwholesomeness of the air diffused over the whole locality from the marshes in the vicinity, was not the primary cause of the debility to which so many succumbed. It was observed at an early date that the country above salt water was much more healthy in its climate than the country below, the endemical disorders of September and October being in the former much less severe and dangerous than they were in the latter. Of the one hundred persons or more who were seated at the Falls under the care of Captain West in 1607, not a single one perished, and this was also true of the same number of men who were stationed on the Nansemond, under Captain Martin, although the deaths at Jamestown during the same period were thought to have been a hundred at least. The food of each of the three companies was equally unwholesome, and their lodgings were equally exposed to the weather.[2] In the summer of 1609 Lord Delaware arrived at Jamestown, and in a very short time his followers, owing to the excessive heat, were

[1] Percy's *Discourse*, p. lxxii.

[2] True Declaration of Virginia, p. 14, Force's *Historical Tracts*, vol. III. See also Whitaker's *Good Newes from Virginia*, Brown's *Genesis of the United States*, p. 584. Bullock also comments on the same fact. See his *Virginia*, p. 4.

attacked by fever, and in a few months one hundred and fifty had died. Delaware himself was stricken with the ague almost as soon as he reached Jamestown, and only saved his life by withdrawing for a long sea voyage; but for the food and medicine brought over in the ships, the remainder of the Colony would have been destroyed by disease.[1] One of the charges which Butler advanced against Virginia was, that owing to the presence of a countless number of bogs, swamps, and marshes, it was subject to all the forms of sickness found in those parts of England that continued undrained.[2] Robert Evelyn, in the *New Albion*, declares that agues were more prevalent in Virginia than in the English counties of Essex and Kent, and that this was not surprising when it was recalled that the water used in drinking was brackish, and that the valleys were full of marshes and the forests of ponds. He asserted that during the first thirty years of the Colony, five of every six persons imported had died.[3] Molina stated in 1613, that one hundred and fifty in every three hundred perished in the course of the first year following their arrival in Virginia.[4] In 1624 Governor Wyatt, in a letter to the authorities in England, mentions that all the settlers who had recently arrived were in a low state of health on account of the change of climate.[5] In some instances whole bands of immigrants

[1] Letter of Governor and Council of Virginia to the London Company, 1610, Neill's *Virginia Company of London*, p. 48.

[2] Unmasking of Virginia, *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 171.

[3] New Albion, p. 5, Force's *Historical Tracts*, vol. II. Evelyn declares that during the first thirty years, one hundred thousand persons died while in the course of seasoning.

[4] Molina to Velasco, Spanish Archives, Brown's *Genesis of the United States*, p. 648.

[5] *British State Papers, Colonial*, vol. III, No. 4; *Sainsbury Abstracts for 1624*, p. 197, Va. State Library. See also *Works of Capt.*

seemed to have been swept away soon after they reached Virginia; this was the case with William Rowsley and his wife, and the ten persons accompanying them, who came over in 1621,[1] and the same fate must have overtaken many others at this time who were similarly placed. This mortality was attributed by some careful observers to several causes in addition to the change of air, the evil effect of which was generally acknowledged. The sudden substitution of Indian corn for wheat bread is said to have produced relaxation in the digestive organs, often ending in fatal fevers among inexperienced colonists;[2] the change from malt liquors, which had constituted their principal drink in England, to the unadulterated water of Virginia, exercised a similar influence upon their bodies.[3] Much of the mortality was also due to the crowded condition of the ships in which the ocean voyages were made; pestilences were frequently produced in this way, leading to terrible epidemics, as for instance in the year following the great Indian massacre of 1622,[4] at which time not less than six hundred people died.

The mortality on shipboard was often frightful. Brad-

John Smith, p. 421. Governor Wyatt advised the English authorities to appoint the Governors in Virginia for long terms, because, for the first year at least, "they are for the most part in ill disposition of health through the change of the climate." *British State Papers, Colonial*, vol. III, No. 5; *Winder Papers*, vol. I, p. 31, Va. State Library. For a later period, see Archives of Maryland, *Proceedings of Council*, 1667–1687, p. 192.

[1] Neill's *Virginia Vetusta*, p. 121.

[2] Company's Letter of August 21, 1621, Neill's *Virginia Company of London*, p. 237. See also *Royal Hist. MSS. Commission*, Eighth Report, Appx., p. 43.

[3] Reply of the General Assembly, *British State Papers, Colonial*, vol. III, No. 7; *Sainsbury Abstracts for 1623*, p. 204, Va. State Library.

[4] George Harrison to his Brother, *British State Papers, Colonial*, vol. II, No. 17; *Sainsbury Abstracts for 1622*, p. 77, Va. State Library.

ford, in his *History of the Plymouth Plantation*, gives the instance of a vessel which, in the course of its voyage towards the Virginian coast, lost one hundred and thirty persons in a crew of seamen and roll of passengers numbering one hundred and eighty; packed together like herrings in a barrel, they sank under a flux brought on not only by this pestilential condition, but also by lack of fresh water and wholesome food.[1] The disorder from which the passengers suffered and which they introduced into the Colony was ship, jail or typhus fever.[2] William Capps was undoubtedly correct in saying that the chief cause of the sickness was to be found in gross uncleanliness. "Betwixt decks," he declared, "there can hardlie a man fetch his breath by reason there arisith such a funke in the night that it causes putrifaction of bloud and breedeth disease much like the plague. The more fall sick, the more they annoy and poysen their fellows." He recalled the voyage in which he had accompanied Sir Thomas Gates and Sir George Somers to Virginia. "We came," he said, "in heate of summer, were at sea fifteen weekes and lost not a man. There were appointed swabbers for cleaning of the orlopp, and every part of the shipp below; then every man was forced in faire weather to bring up his bed to ayre in the shrowds. In the meantyme, the Quarter Masters were busied in the swabbing of every cabine belowe with vinegar, as alsoe betweene decks, which cast such a savor of sharpness to the stomach that it bred health."[3]

[1] *Mass. Hist. Coll.*, vol. III, series IV, p. 37.

[2] It has been suggested that it may have been yellow fever. Dr. Charles Creighton, in his standard work, *A History of Epidemics in Britain*, declares that the first appearance of yellow fever, "whether in the West Indies or anywhere else," was in 1647–48. p. 623.

[3] William Capps to Deputy Treasurer Ferrer, 1623. This letter is printed in Neill's *Virginia Vetusta*, pp. 128–132. See page 131. A case

When strict precautions like these had been taken in the course of the voyage, and the masters of the ships had been careful to time their entrance into Virginian waters with the late autumn, the sickness among the immigrants, both before and after they reached land, was less extensive.[1] How dangerous it was to be inattentive to the month of the arrival was shown in the number of sea-captains who, in 1635, were stricken down by the evil influence of the climate. Fifteen in a company of thirty-six died. They had never previously visited the Colony, and had come before the frosts had destroyed the germs of ague. This year was probably more than usually unhealthy.[2] Devries informs us that at this time, persons who had not been seasoned "died like cats and dogs in June, July, and August." This sickness was thought to be due to the variableness of the climate. "One hour," it was said, "the air was so hot that it seemed to be unendurable, and the next, a wind from the northwest arose with so much freshness that an overcoat was necessary to comfort."[3] There was still reason, however, to attribute much of the illness among those who were unseasoned to infections beginning in the ships of the merchants. In 1636, Governor West pointed out with great warmth the injustice of charging upon the climate instances of mortality which were easily to be traced to the extreme noisomeness in the condition of many of the vessels on their arrival in

of jail fever, described as "calenture," is referred to in the account of Challons' voyage, *Brown's Genesis of the United States.* See p. 137. See also Virginia *Gazette*, July 15, 1737.

[1] Letter of Governor and Council to Company, 1621, Neill's *Virginia Company of London*, p. 276.

[2] Devries' *Voyages from Holland to America*, p. 112. Greater mortality among ship captains was probably never known, not even on the west coast of Africa.

[3] Devries' *Voyages from Holland to America*, pp. 54, 109.

the Colony.[1] Culpeper, referring to his voyage to Virginia, declared that the fleet accompanying him was full of "death, scurvey, and calenture," and it may be safely taken for granted that this was not exceptional.[2]

However great the amount of sickness in July, August, and September among those who had newly arrived, and however much they suffered, the persons who had passed through the period of seasoning found the climate of Virginia highly favorable to health if they were removed from the contagion of diseases introduced by ships from abroad. Governor Wyatt wrote as early as 1623 that the average length of life among the old residents was as great as in the most wholesome parts of England,[3] and the proportion of deaths was even smaller; in the families of ancient planters, the larger number of whose members had been born in the country, not one in twenty were cut off.[4] The same condition was observed by the early adventurers to exist among the Indian inhabitants; they were subject to few diseases, and in many instances attained to a great age, proving that the supposed unwholesomeness of the climate of Virginia, except in midsummer, was to be attributed not so much to any fault in the climate itself, except in the immediate vicinity of the marshes, as to the natural result of a change of air and alteration in diet on the part of the newly arrived colonists, not to men-

[1] Governor West to Lords Commissioners of Plantations, *British State Papers, Colonial*, vol. IX, No. 7; *Sainsbury Abstracts for 1636*, p. 150, Va. State Library.

[2] Letter of Culpeper to Secretary Coventry, May 2, 1680, *McDonald Papers*, vol. V, p. 353, Va. State Library.

[3] Governor and Council to London Company, *British State Papers, Colonial*, vol. III, No. 1; *Sainsbury Abstracts for 1623*, p. 175, Va. State Library; New Description of Virginia, p. 7, Force's *Historical Tracts*, vol. II.

[4] *Works of Capt. John Smith*, p. 565.

tion the imprudences which their inexperience or their intemperateness led them to commit.[1]

As the area of the clearings enlarged, a great improvement in the public health was observed, extending even to those persons who had recently arrived in Virginia. In his answers to the interrogatories of the Commissioners of Plantations in 1671, Governor Berkeley stated that it was then rare that an unseasoned hand died, although at one time the mortality had been in proportion of one to five.[2]

[1] As early as 1649, it was the habit of some Virginians to retire into Maryland as soon as the heats of summer arrived. There, it is stated, they enjoyed uninterrupted good health. Bullock's *Virginia*, p. 4. In 1687, Howard, at that time Governor of the Colony, wrote to the King, that he would withdraw himself during the vehement heat and "almost indispensable sickness of this place (Jamestown) in the dog days," to some more healthy climate. He had tried several summers, and found them so prejudicial to his health that the physicians had advised him to change the air. *Colonial Entry Book*, No. 83, pp. 145–147; *Sainsbury Abstracts for 1687*, p. 73, Va. State Library. For the effects of intemperance, see Beverley's *History of Virginia*, pp. 241–242.

[2] Hening's *Statutes*, vol. II, p. 515.

CHAPTER III

ABORIGINAL VIRGINIA — INDIAN ECONOMY

In describing the economical methods of the Indians, I propose to confine myself in general to those aspects of the subject which throw a direct or indirect light upon the natural resources of Virginia at the time of the arrival of the English colonists in 1607. One of the most important presenting itself to consideration is the extent of the aboriginal population inhabiting the territory that was the first seat of the English settlers. This narrows the inquiry to the number of the members of the Powhatan Confederacy, who had their residence in the lower valleys of the Powhatan, Pamunkey, Pyanketank, Rappahannock, and Potomac, and on the Accomac Peninsula. There is a marked discrepancy between the general enumerations of Smith and Strachey, the two authors upon whom we have to rely. Smith calculated that the Indians to be found within sixty miles of Jamestown did not exceed five thousand in all,[1] and his statement should properly carry unusual weight, because there was no man in the Colony during the time of his connection with it, with the exception of Spelman, who had enjoyed more frequent opportunities of observing the full extent of the Indian population. There is an element of uncertainty in regard to the interpretation which should be put upon the expression "sixty miles of Jamestown." A radius of

[1] *Works of Capt. John Smith*, p. 360.

that length barely extends even to the mouth of the Potomac. It is plain that Smith did not intend to include Accomac, as he omitted all reference to the number of its warriors. His knowledge of that portion of Virginia lying to the south of the Powhatan was confined to the territories of the Warrasquoke, Appomattox, Quiyoughcohannock, and Nansemond Indians, who dwelt immediately on its banks. In the light of these facts, it seems proper that his enumeration should only be accepted as applying to the valleys of the Powhatan, the ancient Pamunkey, Rappahannock, and Pyanketank, and their lower tributaries.

Beginning with the valley of the Powhatan, and starting from the mouth of the river, there were, according to Smith, at Chesapeake, one hundred warriors; at Kecoughtan, twenty; at Paspaheigh, forty; at Chickahominy, two hundred; at Wyanoke, one hundred; at Arrahattock, thirty; and at Powhatan, forty. Descending the river from the Falls on the south side, there were sixty warriors at Appomattox; twenty-five at Quiyoughcohannock; forty at Warrasquoke; and two hundred at Nansemond. If these enumerations are correct, there were in the valleys of the Powhatan and its principal tributaries below the Falls, eight hundred and sixty warriors. Adopting the ratio between the size of the aboriginal population within sixty miles of Jamestown and the whole number of fighting men in the same territory, as set down by Smith, the one being five thousand and the other fifteen hundred, and there was in the valleys of the Powhatan, Nansemond, and the Chickahominy a population of Indians close upon twenty-six hundred.

Turning now to the valleys of the modern York and its tributaries, Smith calculated that the villages on the banks of the upper stretches of the Mattapony and

Youghtanund[1] were able to furnish a band of ninety warriors, while the tribe having its seat near the junction of the rivers could muster three hundred. There were forty warriors at Werowocomoco, and forty at Chiskiack. The whole military strength of this portion of the Powhatan Confederacy amounted, if Smith is correct, to four hundred and seventy warriors, which, by the ratio previously applied, would indicate a population of fourteen hundred and fifty persons. At Pyanketank there were sixty warriors, or two hundred persons. On the Rappahannock there were at Corotoman thirty warriors; at Moraughtacund, eighty; at Rappahannock, one hundred; and at a second Corotoman, twenty. On the south side of the same river there were at Montaughtacund one hundred and fifty warriors. This would signify that there were in the lower valley of the Rappahannock an Indian population of twelve hundred. The total number of aboriginal inhabitants in this division of country tributary to the lower sections of the three great streams, the Powhatan, the ancient Pamunkey, and the Rappahannock, would, therefore, be five thousand five hundred.

The correctness of this enumeration depends upon the extent of the information which Smith possessed as to all the towns on the Indian Pamunkey and Rappahannock. Not only does he fail to include many of the aboriginal settlements on the Pamunkey, and in the adjacent region mentioned by Strachey, but he also makes certain statements in the course of his general narrative which do not on their face confirm the justness of his figures even as to the valley of the Powhatan. Thus he declares incidentally that a thousand savages[2] were observed along the banks of

[1] The modern Pamunkey.

[2] The language used by Smith respecting the "plaines" along the Nansemond River is: "in these plaines are planted aboundance of houses

the Nansemond when it was first explored, and that those seen in the immediate vicinity of the Chickahominy were about twenty-two hundred, but such expressions were probably merely designed to show that these territories were thickly seated rather than to convey an accurate account of the real number of their inhabitants. If intended to be accepted implicitly, the population on the Chickahominy alone was nearly equal in volume to the whole population assigned to the main valley of the Powhatan under the ratio furnished by Smith himself.[1]

There should be added to the number of Indians living on the modern Rappahannock, York, and James, and the lower tributaries of the latter two streams, those who resided near the banks of the Potomac and in Accomac. In the valley of the Potomac, as far as it was explored by Smith, there were in the different towns which he visited about eight hundred warriors, indicating the presence of twenty-five hundred savages; the number in Accomac, Smith not including the Eastern Shore in his enumeration, was subsequently stated to be two thousand,[2] swelling the total population of that part of the territory of Virginia, which was the first to fall under the observation of the English, to ten thousand.

If we accept as correct the figures which Strachey has given, his calculations being confined to the number of warriors who were members of the tribes residing in the

and people; they may containe 1000." *Works of Capt. John Smith*, p. 32. See also p. 430 for the large number of Indians seen in one body in the valley of the Rappahannock.

[1] Sir Thomas Dale calculated that the number of bowmen among the Chickahominies amounted to five hundred. He is also the authority for the statement, that in a few days Powhatan could summon to his side one thousand warriors ready for battle. See Dale's letter preserved in Ralph Hamor's *True Discourse*, pp. 52, 56.

[2] *Works of Capt. John Smith*, p. 570.

country extending from the Pyanketank to the southern bank of the Powhatan and east of Orapaks,[1] there was a population in this interval alone as large as the whole of the population which, according to Smith, belonged to the Powhatan Confederacy throughout its territory. Strachey asserts that there were three thousand three hundred and twenty fighting men in this part of aboriginal Virginia, which would signify a general population of ten thousand, but this was probably as much in excess of the real number of the inhabitants in this division of the Colony as the calculation of Smith was below it. Strachey, however, lived in Virginia some years after Smith had withdrawn from it, and therefore had the advantage of the greater knowledge which the English had acquired of the country by more careful exploration. The larger enumeration of Strachey arises not so much from his having attributed a greater force of warriors to the different towns mentioned by Smith than Smith does himself, as from the fact that he includes in his statement of population, towns which Smith had failed to name, doubtless because he was ignorant of their existence.[2]

[1] Orapaks was one of the residences of Powhatan, and was situated east of the modern city of Richmond.

[2] See, for instance, the list of towns situated on the modern York, the Indian Pamunkey, given by Strachey in his *Historie of Travaile into Virginia*, p. 62. With the exception of the king and werowances, who had numerous wives, it is not recorded that the families of individual Indians were large. It is well known that the aborigines began many of their wars merely to obtain a supply of women and children. The presence of venereal diseases of a virulent type among members of both sexes must have had an important influence in repressing their growth in numbers. However numerous the Indians may have been in Virginia when the English founded the Colony, they had by 1669 dwindled in the area of the settlements to seven hundred and twenty-five bowmen, representing a population which probably did not exceed three thousand. Hening's *Statutes*, vol. II, p. 275.

The Indian village was generally situated on the slope of a hill overlooking a river, and in selecting such a site, the aborigines were probably influenced to some extent by the fact that they could thus obtain a view of an approaching enemy.[1] The towns of the same tribe appear to have been entirely distinct, and this was the case even in the thickly inhabited valleys of the Nansemond and Chickahominy. The health of the Indians was in no peril from overcrowding, since few of their villages were occupied by more than two hundred persons, and many by less than thirty.[2] Strachey informs us that before the aboriginal settlement at Kecoughtan was broken up, the population of that place was close upon one thousand, their wigwams numbering three hundred, but there is nothing to show that all of these dwellings were built in the immediate neighborhood of each other. When Smith visited Kecoughtan it contained only eighteen houses, and the band of warriors there, as already stated, was reduced to forty.[3] In general, the largest towns were not composed of more than twenty or thirty wigwams.[4] At Maraswquoike, the Farrar's Neck of the colonial age, thirty or forty were observed by Smith, and he mentions that he had seen in one village as many as one hundred dwellings, either situated together or separated by groves, but this was exceptional. There were in the vicinity of the wigwams no small and but few large trees, owing to the fact that the ground had been periodically burnt over, and much of the standing wood had been used as fagots; sufficient, however, was allowed to remain to furnish protection from the rays of the sun in summer, and to break the

[1] Strachey's *Historie of Travaile into Virginia*, p. 70.

[2] *Works of Capt. John Smith*, p. 577.

[3] *Ibid.*, p. 10; Strachey's *Historie of Travaile into Virginia*, p. 60.

[4] Spelman's *Relation of Virginia*, p. cvi.

force of the storms in winter. The Indians had a special liking for the mulberry, and it was almost invariably found in the neighborhood of their habitations. At Kecoughtan there were many boskets and copses of this tree.[1] When the English were returning from their exploration of the Powhatan as far as the Falls, they came upon the Indian women at Arrahattock preparing victuals for them under a great mulberry which was a conspicuous feature of the village.[2] Bay and locust trees were very frequently observed in the Indian towns, and also the wild rose and the sunflower, and there the grapevine grew in the most productive luxuriance because fully exposed to the rays of the sun. In the immediate vicinity, fresh springs poured out a perennial abundance of pellucid water.[3]

The Indian wigwam was either oblong in shape or in the form of an oven,[4] and was made by inserting saplings in the earth, the tops of which were afterwards drawn down to one point, in which position they were permanently kept by their being tied together with withes, manufactured out of fibrous roots, the coating of the hickory or strips of white oak. The surface of the saplings in the instance of the most pretentious wigwams was covered with bark in the condition in which it was torn from the tree; the ordinary dwelling, however, was protected by mats woven from bents gathered in the woods. So neatly were the mats and pieces of bark put together that the atmosphere of the wigwam remained warm in the severest weather in winter. A hole was made in either side for an entrance, and these openings were closed by

[1] See, for these different details, *Works of Capt. John Smith*, pp. 12, 18; Strachey's *Historie of Travaile into Virginia*, pp. 60, 70, 71, 117.

[2] *Relatyon of the Discovery of our River*, p. 1.

[3] *Works of Capt. John Smith*, pp. 57, 67; Strachey's *Historie of Travaile into Virginia*, p. 130.

[4] Spelman's *Relation of Virginia*, p. cvi.

mats dropped from above, and still further guarded, when the inmates of the cabin had gone away for a prolonged absence, by logs rolled against them. Upon the first arrival of the English, the wigwams were found to be devoid of windows, but at a later period an aperture was left which was only covered when the wind was blowing from that point of the compass. At the top there was a place of egress for the smoke rising from the fire kindled on the ground at the centre of the dwelling. To diminish the volume of this smoke, the Indians burnt only pine wood, if it was to be obtained. In order to illuminate the interiors of their houses in the absence of a regular fire, they used as candles the splinters of the pine, which flared very fiercely for a time but were soon consumed; for this reason a large pile of slivers was kept on hand, and as soon as one fagot was burnt up, another was substituted for it. As a rule, the fire on the hearth was not allowed to die out, because its extinction was regarded by the women as an evil sign. A lost flame was recovered by rubbing two dry sticks together in the close neighborhood of a handful of combustible moss. The beds of the Indians were drawn in a circle about the fire, and consisted of hurdles and reeds laid upon small poles, supported by posts rising only a foot from the ground. Upon these beds, mats or skins were placed, and in lying down the Indian drew over him another mat or skin, while a third skin or mat was used as a pillow. The pillow of the Emperor Powhatan was made of leather, and was carefully embroidered, and strung with beads and pearls. The mats used by the ordinary Indian as a couch were white in color, and when he arose in the morning he was careful to roll them into the shape in which he had found them the evening before. Not infrequently as many as twenty Indians slept in the same wigwam irrespective of sex;

they did not in sleeping restrict themselves to their hurdles of reeds, but in winter lay down on bear skins, spread on the floor of the wigwam, or on the floor itself if it were summer, with a mat alone to support the head. Besides the bed, the only substitute for a chair was the mat. In every town there were scaffolds, constructed either of reeds or dry willows, and it was here that the Indians most frequently sat and conversed. At the top of these scaffolds, a loft made of hurdles was built, and on it the women placed maize and fish to dry.[1]

The Indian town in some instances was encircled with a palisade, but in general this was confined to the rude palace of the king.[2] The royal dwelling was constructed of the same material as the ordinary wigwam, but it differed from the ordinary wigwam in being longer and broader; one had to pass through many windings and turnings before the room in which the king spent his time was reached.[3] The partitions were composed of mats and small poles. No architectural skill was shown by the Indians even in the construction of their temples, upon which the greatest labor was expended. These buildings were about twenty feet in breadth and one hundred in length, with the door confronting the eastern horizon so as to catch the first beams of the rising sun. There was a chancel at the western end, approached by a labyrinthine passage, and here were placed many black images with their faces turned towards the east. At Uttamussack, on the modern Pamunkey, the principal temple was situated, and on either side of it stood buildings sixty feet in length, containing effigies of devils and kings, and also the royal

[1] See, as the authority for these details, Strachey's *Historie of Travaile into Virginia*, pp. 70, 71, 72, 112; *Works of Capt. John Smith*, pp. 67, 68; Beverley's *History of Virginia*, pp. 135, 136.

[2] Beverley's *History of Virginia*, p. 137.

[3] Spelman's *Relation of Virginia*, p. cvi.

mummies. The treasure-house of Powhatan at Orapaks must have been a still more imposing structure; it extended fifty or sixty yards in length, and upon each one of its four corners was a figure of a strange and grotesque aspect, one being shaped like a dragon, another having the form and head of a bear, the third resembling a leopard, and the fourth a gigantic man.[1]

The Indians laid off their maizefields and gardens in the vicinity of their wigwams, always selecting the most fertile land for this purpose; in later times, it was everywhere observed that the soil which had been under aboriginal cultivation was as a rule extremely productive.[2] The maizefields spread over an area that ranged from twenty to an hundred acres in extent. There is some doubt as to the character of the tenure; each tribe possessed an absolute title to the division of country in which it was immediately seated, subject only to the general proprietorship of the king, to whom an annual tribute was paid in the form of a certain proportion of maize, beasts, fish, fowl, hides, fur, copper, and beads,[3] but the relation of each family to the different plats of cultivated ground is not so clearly defined. Smith declared that each household knew its own fields and gardens, while Beverley asserted that no special property in land was claimed by individual Indians, but was held in common by the members of a whole tribe. He qualified this remark, however, by saying that the area of uncultivated ground was so extensive, that there was no room for quarrels among them about the appropriation of particular plats.[4] The statement of Smith seems to be confirmed by the relation which the Indian householder

[1] Strachey's *Historie of Travaile into Virginia*, pp. 55, 82, 90.

[2] Hugh Jones' *Present State of Virginia*, p. 9.

[3] Strachey's *Historie of Travaile into Virginia*, p. 55.

[4] *Works of Capt. John Smith*, p. 66; Beverley's *History of Virginia*, p. 178.

bore to other forms of property ; thus he could devise his wigwam to his widow, and after her death to his favorite child. Again, a theft of maize was regarded as so heinous an act that it was punished with death, an evidence that separate ownership in this grain was strictly recognized when it had been gathered.[1] Furthermore, there is no record that after the annual harvest the crops were divided among the householders of the town. Being held for all practical purposes in separate tenure, the ground must have been cleared very largely by individual energy without special regard to the common interests, but this follows with certainty only in those cases in which the open fields were not spacious enough to furnish soil for the young warrior who had just established family relations of his own, or for those members of the tribe whose plats had given indications of exhaustion from prolonged cultivation. As a rule, the land originally selected was so extremely fertile that an increase in population alone led to the extension of a clearing.

The method employed by the Indians for the removal of the forest, in spite of its primitive character, is still followed in many parts of modern Virginia. It consists in running a girdle around the trunks of the largest trees, by cutting away the bark with a rude stone instrument, the object of this being to intercept the flow of the sap ; and to make this still more effective, the aborigines were in the habit of kindling fires around the exposed roots, further destroying the vitality of the trees.[2] The trees exposed to this treatment lost all power of putting forth

[1] Spelman's *Relation of Virginia*, pp. cx, cxi.

[2] *Works of Capt. John Smith*, p. 952 ; Williams, in *Virginia Richly Valued*, p. 48, Force's *Historical Tracts*, vol. III, recommends that the newly arrived planter shall adopt this method of clearing the ground as the cheapest and the quickest.

foliage, declined rapidly in vigor and died, leaving the trunk and limbs too bare to shut out the rays of the sun. In a few years they were blown down by the wind, having become too much decayed to remain erect. The smaller trees were either broken down or severed by the blows of a stone hatchet. The preparation of the ground for planting was practically the same whether the soil was that of an old or a new field. Manure was used in neither instance, most probably because it was not required. The instruments employed in cultivation were hoes, consisting of a crooked piece of wood fashioned like a gardener's paring iron,[1] or of a stick to which the horn or shoulder-blade of a deer was attached; these rude instruments were used by the aboriginal laborers in a sitting posture, the tillers merely seeking to loosen the surface of the ground, the only object which they had in view being to dig up the weeds and grass and to remove the maizestalks. After this vegetation had been allowed to dry several days in the sun, it was brought together in small heaps and burnt, but no attempt was made to use the residuum of ashes as a fertilizer.[2] If the ground consisted of virgin soil on which the belted trees were still standing, it was only sought to destroy the superficial network of roots. Beginning in one corner of the field, whether old or new, the Indian husbandmen made a series of holes, separated from each other by intervals of four feet, and in each hole four grains of maize and two beans were deposited, each grain or bean being an inch apart from its fellows, special precaution being taken that they should not touch each other.[3] In

[1] Spelman's *Relation of Virginia*, p. cxi.

[2] Hariot, p. 15.

[3] "They make a hole in the earth with a sticke and into it they put foure graines of wheate and two of beanes." *Works of Capt. John*

some instances the beans were sowed in the interval of four feet between the holes in which the maize was placed, and in this interval there were also planted the seeds of peas, pumpkins, gourds, cymlins, and May-apples, doubtless upon some plan of alternation, as the soil would otherwise have been choked with vegetation.[1] These seeds were not put in the ground until the blades of maize had not only risen above the surface, but also attained to a moderate size. The cymlins were planted in May, and the other seeds probably about the same time.[2]

The first plantation of maize began in April and the second in May, and this was continued with interruptions until the middle of June, the object of this deferred planting being to secure until the arrival of frost a constant supply of roasting ears, of which the Indians were inordinately fond. The crop which was put in the ground in April was harvested in August; the May planting was harvested in September, and the June planting in October. As the young maize expanded in size, it was protected from the encroachments of weeds, the interval between the rows being kept as clean and well-ordered as a garden-bed, and when the stalks had risen to one-half of their expected height, hillocks of earth were drawn around their roots. The average number of ears found on a plant were, according to Smith, two; three were occasionally observed, but four very rarely.[3] Spelman, however, states that there were commonly four or five attached to a single stalk.[4] There were from two hundred

Smith, p. 357. See Devries' *Voyages from Holland to America*, for the methods followed by the Indians of the New Netherlands in planting maize.

[1] Hariot, p. 15.

[2] *Works of Capt. John Smith*, p. 63.

[3] *Ibid.*, p. 62; Strachey's *Historie of Travaile into Virginia*, pp. 112, 117.

[4] Spelman's *Relation of Virginia*, p. cxii.

to five hundred grains on each. Four varieties of maize are said to have been cultivated by the Indians, two of which were only distinguishable from each other by the difference in the size of the ear and stalk, the time for the ripening of both being the same. The remaining varieties were unlike only in the size of the grain; both were frequently yellow, red, white, blue, and streaked.[1] The Indians did not place any scarecrows in their fields; near the centre of each they raised a scaffold, and upon this they erected a small cabin, in which a young Indian was stationed to protect the crops from every form of damage by birds or animals.[2] Enjoying an extensive view from this elevation, he was able to detect the depredators at once. The beans put in the ground with the maize sprang up and were allowed to attach their vines to the stalks; their pods were smaller than the pods of the English bean, of greater diversity of color, and very different in the shape of the leaf. The peas were not so large as the beans, but were similar in their form. Both were sufficiently developed at the end of ten weeks to be eaten, and were therefore gathered before the last of the grain was harvested. The maracocks matured in July, and remained on their vines until September, while the pumpkins required a heavy frost to ripen them. Many maracocks or squashes were in a ripe condition in September, and this vegetable continued to mature in turn until the end of October.[3]

A field of maize on the Powhatan, long before the vessels of the first English explorers appeared upon its waters, was almost the exact counterpart of the same

[1] Beverley's *History of Virginia*, p. 115.

[2] See the picture of such a scaffold given in the illustrated edition of Hariot, plate No. XX.

[3] *Works of Capt. John Smith*, p. 63; Hariot, pp. 14, 15.

field, planted with the same grain, three hundred years afterwards by the modern Virginian farmer. There would be some difference in the height of many of the stalks on account of the rule which the Indians followed of planting their maize in relays, with a view of obtaining a continuous supply of roasting ears during the summer and early autumn, but in other particulars the aspect of the field, under the Indian and Virginian ownership respectively, would be substantially the same. There would be the same number of stalks to the hill,[1] with the vines of beans clambering up the stalks, peas running over the ground between the rows, and pumpkins, bulky and yellow, peeping through the mass of green leaves. The May-apple alone would be absent. John Taylor, of Caroline, in his treatise on Virginian Agriculture, takes occasion to indulge his sarcastic humor at the expense of the farmers of his day, by declaring that as late as the nineteenth century the cultivation of maize in his native State remained as it was borrowed from the aboriginal planters of America, except "that if product was the test of science, the latter must be allowed to have been more accomplished husbandmen than their imitators." An accurate conception of the productiveness of an acre under Indian tillage is to be obtained from the statement of Hariot, that the average yield was, by London measure, two hundred bushels of maize, peas, beans, and pumpkins.[2]

In the late autumn, when the grain was ripe enough to

[1] It is highly probable that for many years the colonists followed the rule of the Indians in allowing an interval of four feet between the holes in which the seed corn was planted. Owing doubtless to the decline in the fertility of the soil, the interval had by the Eighteenth Century been extended to six feet. See Smyth's *Travels*, 1773, *Va. Hist. Register*, vol. VI, No. II, p. 81; *Ibid.*, No. III, p. 132.

[2] Hariot, p. 15.

be gathered, the women and children entered the fields with hand-baskets manufactured from hemp, the bark of trees, or the blades of the maize stalk; the ears as they were pulled were cast into these receptacles, whose contents were afterwards poured into still larger baskets,[1] which in turn were emptied on mats that had been placed in the sun, the maize being left there to dry thoroughly. At night it was collected into large piles, over which the mats were drawn to protect the grain from dew. When the maize had seasoned, the shucks were stripped from the ears, the grain rubbed from the husks, and subsequently deposited in long baskets in houses built especially for the purpose.[2] In some instances, in its final state, it was concealed by the heads of families, the women and children being kept ignorant of the locality in the forest in which it was buried, but the inconvenience of such an arrangement would appear sufficient to have made it exceptional.[3]

If the Indians had been scattered over the face of the country, their fields of maize would hardly have been noticeable, but as these fields were concentrated for the most part on navigable streams,[4] the English were led

[1] Spelman's *Relation of Virginia*, p. cxii.

[2] The question has been raised as to whether the maize was stored away before or after the grain was removed from the cob. See article by Dr. Edward Eggleston in the *Century Magazine* for April, 1894. It would be inferred from the following passage in Spelman's *Relation of Virginia*, p. cxii, that the grain was "shelled" before it was placed in the baskets which formed the final receptacles: "When the corn is sufficiently weathered, they pile it up in ther howses, dayly as occation serveth wringinge the eares in peises betwene ther hands and so rubbinge out the corne, do put it into a great baskett." It will be observed that it was the ear and not the "huske" which the Indians wrung in "peises."

[3] Strachey's *Historie of Travaile into Virginia*, p. 113.

[4] *Works of Capt. John Smith*, p. 67.

rather to exaggerate than to underrate the area of land under cultivation. Dale, writing to Salisbury only four years after the foundation of the Colony, mentions incidentally, that in the stretch of country lying between Point Comfort and the Falls there was a spacious and fruitful soil, and that at all points, both upon the one and the other shore, grain grew in abundance.[1] The Indians of Kecoughtan, who were pronounced by Strachey to be admirable husbandmen,[2] had, when they were first visited, as many as three thousand acres of cleared land, a large part of which was planted in maize. In the excursion which the voyagers made, a few days after their arrival in the Chesapeake, to Rappahannock, situated not far from Kecoughtan, they had to pass through a series of the most luxuriant maizefields before they could reach the village.[3] Captain Smith, in his expedition up the Chickahominy River, discovered the greatest area of cultivated ground that he had seen in Virginia, on a peninsula to which the Indians had given the name of Moysonicke.[4] Very extensive fields of maize were also found by him on the Nansemond. In the first voyage to the Falls of the Powhatan, special note was made of the plain stretching from the palace of the werowance to the banks of the river, and planted for the greater part in maize. The queen of Appomattox, who resided near the stream of that name, also had many fields in the same grain, one of these fields, in which vegetables and tobacco were also planted, spreading over an area of one hundred acres, and a field covering an equal area was also observed

[1] Brown's *Genesis of the United States*, p. 505.

[2] Strachey's *Historie of Travaile into Virginia*, p. 60. "Better husbands then in any parte else that we have observed."

[3] "Wee also went through the goodliest corne fieldes that ever was seene in any countrey." Percy's *Discourse*, p. lxv.

[4] *Works of Capt. John Smith*, p. 13.

at Opechancanough's residence on the Powhatan.[1] The most striking evidence, however, as to the extent of surface that the Indians had under cultivation at the time of the first discovery appears from the fact that after the massacre of 1622, the survivors consoled themselves for that sanguinary event with the reflection, that thereafter the settlers would be relieved of the exacting task of removing the forest, because they could now take possession of the open ground of the Indians, which constituted the most pleasant and fertile places in the country. Williams also described the Indian fields as being so numerous, that they would furnish ample cleared soil for the English colonists until they had increased to a large population.[2]

At the time of the first colonization, before there had arisen any foreign drain upon their stores, the different tribes possessed a great abundance of garnered maize, although, with the exception of the Accomac Indians, who were remarkable for their prudence and foresight, it was the custom of the Virginian aborigines only to produce as much as the needs of twelve months required.[3] The English in the malarious confines of Jamestown were on several occasions saved from starvation by the generous supplies, principally in the form of this grain, received from the natives. In the records of the earliest excursions up the rivers and bays of Virginia there are many references to the large quantities of maize in all of the towns. When, in 1609, Captain Martin attempted to take possession of the country near the forks of the Nansemond, the Indians, who had fled on the first attack, returned, killed several

[1] *Relatyon of the Discovery of our River*, pp. xliii, l, li.

[2] Virginia Richly Valued, p. 13, Force's *Historical Tracts*, vol. III.

[3] Ratcliffe's Letter to Salisbury, *Works of Capt. John Smith*, p. xcix. See also p. 570.

of his men, rescued their king, and carried off one thousand baskets of grain which were stored in the houses. In the attack on Kecoughtan, whither Captain Smith and a small party of soldiers had gone in search of food for the colonists not long after the foundation of Jamestown, great baskets of maize were discovered, upon which they seized with eagerness. In a subsequent voyage to Moysonicke on the Chickahominy, a hundred savages came down to the banks carrying baskets of maize in expectation of the arrival of the English, and at Mamanahunt, another village on the Chickahominy, the Indians assembled with three or four hundred baskets of the same grain. So anxious for trade were these latter, that they followed Smith in their canoes, and were ready to dispose of their corn for the smallest trifle in return. From this voyage he returned to Jamestown with seven hogsheads of maize, and could easily have obtained a shipload if he had possessed the means of transporting it. In a number of instances we are incidentally informed that three or four hundred bushels were purchased from the Indians at a time, as on the occasion of the visit of Newport and Smith to Powhatan at Werowocomoco. In the expedition to the Nansemond, Smith forced the tribes in suing for peace to consent to deliver in the following year four hundred bushels of maize. Captain Argoll returned from the Potomac after a short voyage with his ship loaded down with over one thousand bushels of the same grain. At certain seasons of the year the tribes were compelled to rely to a large extent on their stored maize for subsistence, and any cause, however remote, which might lead to its destruction or removal, they regarded with natural objection. We have few more pathetic scenes in the early history of Virginia than that of the lamentation raised by the women and children, when the English in 1609 seized upon all the

grain remaining in the villages of Mattapony and Youghtanund; even the hearts of the ruthless and famished colonists were moved by the outcries of the helpless savages.[1]

The use of maize among the Indians was not confined entirely to food. It was employed by the priests and conjurers in their mystical ceremonies. This is shown by an incident in the life of Smith not long after his capture on the Chickahominy; he was suddenly interrupted on the occasion referred to by the entrance into the house in which he was detained as a prisoner, of an Indian priest, dressed in a fantastic costume of skins, who immediately with many violent gestures and strange invocations began to encircle the fire kindled on the ground with a line of meal. At this moment three other priests rushed in, and these were followed by three more, each one colored partly red and partly black, with red or white bars of paint on each cheek, and with strokes of red or white about the eyes. After dancing around Smith they took seats on a mat opposite him, the chief priest in the centre, and three of the minor priests on either side of him. The whole number then began a song, shaking their rattles loudly as they sang, and when this was ended, the chief priest deposited on the ground outside of the ring of meal five grains of maize. This act was followed by a brief invocation, uttered with many strange demonstrations, which was greeted at the close with groans from his six companions. The chief priest then laid down three grains, and this ceremony was repeated until the fire was encircled by two lines of grain, a hand's breadth apart, in addition to the line of meal. With the same invocations, groans, and rattling of gourds, a succession of small sticks were deposited between the maize at intervals of every

[1] See, for these different incidents, *Works of Capt. John Smith*, pp. 12, 97, 463.

five grains. For twelve hours these performances were continued, and were renewed on the second and third day. While the ceremonies were in progress, neither Smith nor the priests partook of food, but when night arrived there were feasts and dances. It had been the object of the priests to discover whether Smith entertained evil designs against their countrymen.[1]

The gardens of the Indians were situated in the immediate neighborhood of the wigwams, and, in general, each extended over an area from one hundred to two hundred feet square.[2] In these plats were found the plants and vegetables not cultivated in the maizefields, such as muskmelons, gourds, and tobacco. Jefferson has called attention to the fact, that the first colonists failed to record whether tobacco was of spontaneous growth in Virginia, or whether tillage was always necessary to its production; he ventured the surmise that it was of tropical origin, and had been gradually transmitted from tribe to tribe until it reached this quarter of America.[3] Whether indigenous or not, tobacco was held in the highest esteem by the Indians, and was considered to be a special gift from the Great Spirit; this seems to be all the more remarkable when it is recalled that the plant could be produced by the proper expenditure of labor in unlimited quantities, differing in this respect from copper, pearl, and puccoon, by which the aborigines set the same extravagant store. It was looked upon as possessing mysterious virtues, which led to its being cast by priests on sacrificial fires in the form of dust, or it was arranged in a circle of leaves, from the centre of which adoration was offered up to the sun.[4] These acts were accompanied by

[1] *Works of Capt. John Smith*, p. 399.

[2] Strachey's *Historie of Travaile into Virginia*, p. 72.

[3] Jefferson's *Notes on Virginia*, p. 41. [4] Percy's *Discourse*, p. lxxi.

eccentric gestures and distortions of the body, by dances, stampings, and mutterings, and by an uplifting of the hands, and by fixed starings towards the sky. The object of this use of tobacco was to propitiate an evil intelligence, for the same tribute was paid to guns and swords. Crushed into a powder, it was sowed to the wind when a drought prevailed, or when a tempest was brewing on the water; or it was sprinkled over the weirs when the fish began their annual migration from the sea. Air, water, fire, the sun, — these were the terrible natural elements, the presiding genius of which demanded the most precious gifts as the condition of his favor.

Tobacco seems to have been also employed to give expression to the feeling of gratitude; it was for instance tossed into the air after an escape from some unusual danger, or when the warriors returned to their town after a successful war, hunting expedition, or long journey in which they had been exposed to many perils and hardships.[1] According to the Indian conception, there was a heaven beyond the western mountains and close to the setting sun, which was an abode where kings, werowances, and priests, who alone after death were admitted to its portals, were always singing and dancing, with their hair decorated with feathers of varied and brilliant hues, their bodies anointed with oil and painted with puccoon, and an inexhaustible quantity of beads, hatchets, copper, and tobacco forever near at hand.[2] The dried corpse of a king was stuffed with copper, beads, and pearls, and by its side was laid the pipe the monarch had used in life.[3] The Indians attributed medicinal qualities to tobacco; thus they believed that it had the power to increase virility:

[1] Beverley's *History of Virginia*, p. 165.

[2] *Works of Capt. John Smith*, p. 78.

[3] Strachey's *Historie of Travaile into Virginia*, p. 89.

the warriors who were in possession of several wives indulged in it freely, while those who were unmated either partook of it sparingly, or not at all.[1]

Tobacco as cultivated by the tribes of Virginia was inferior in size and flavor to the same plant in the West Indies. In Virginia it rarely exceeded a yard in height. It bore a small yellow flower resembling that of henbane, and had short, thick leaves, which were discovered, when tasted, to be weak in flavor, but at the same time very biting to the tongue. The plant of the West Indies, on the other hand, sprang up to the height of nine or twelve feet, with very expansive leaves, and with a flower as large as the bell flower of England. The difference in size and flavor was probably attributable to the difference in climate rather than to any difference in methods of cultivation.[2]

The authors of the first Virginian narratives have left a detailed account of the manner in which the Indian land was prepared for maize, and the system pursued in planting and cultivating it, but they failed to give a full description of the aboriginal methods respecting the corresponding processes for tobacco. Hariot informs us that the natives in the region of Roanoke, a division of country in which the same original customs prevailed as in Virginia proper, sowed their tobacco apart, but he did not intend by this to convey the notion that the seed were scattered broadcast.[3] There is no reason to doubt that the first settlers of Jamestown, who very soon began the production of tobacco for sale in England, adopted their general manner of planting from the Indians, which consisted of inserting the seed in the pulverized soil of their garden plats at regular intervals, as was done in the

[1] Strachey's *Historie of Travaile into Virginia*, p. 122.
[2] *Ibid.*, pp. 121, 122. [3] Hariot, p. 16.

instance of maize.[1] The plan of sowing broadcast in a separate bed and then transplanting, the plan which has come down to the present day, was suggested to the colonists by the rule followed in the case of so many vegetables in England. Forty years after the foundation of Jamestown, there was no information extant as to the aboriginal method of cultivating tobacco when it had attained a considerable size, beyond the fact that there was a tradition that the Indians permitted each stalk to run to seed, and that they removed the suckers in order to give it a somewhat greater bulk.[2] When the plant began to show signs of ripeness, the leaves were pulled from the stalk and dried by the heat of the fire or the sun. In the use of fire, they set an example which the English colonists for a hundred and fifty years failed in the manipulation of their annual crop to follow, being content simply to hang it up in barns, where it was exposed to a free circulation of air. When the tobacco was thoroughly cured, stalk and leaf were crumbled together. It was turned to account in various ways. Among the Indians, however, enjoyment of it as a stimulant seems to have been confined to smoking. Their pipes were constructed either of clay or wampum peak, a species of shell, and differed in size and in length of stem among the several tribes. During the visit of Smith to the country of the gigantic Susquehannocks, he observed in their possession pipes with stems nearly a yard from end to end, upon which figures of birds and animals had been carved with great dexterity. So large and heavy were these stems that a well-directed blow with them was sufficient to brain the strongest man.[3]

[1] See picture in Hariot of an Indian village with a plat planted in tobacco. No. XX.

[2] Beverley's *History of Virginia*, p. 116.

[3] *Works of Capt. John Smith*, p. 54.

Among the most valuable treasures of each town was the peace-pipe, which, upon the arrival of a stranger, was filled in his presence with tobacco, and the tobacco ignited; first the chief drew several whiffs and then offered it to the visitor, who, if his intentions were peaceful, accepted it, and after drawing several whiffs in turn passed the pipe to the second most important person of the village.[1] When the adventurers reached Appomattox in the course of their first voyage up the Powhatan, they were confronted on the shore by a werowance, who stood with his bow and arrow in one hand, and a pipe full of tobacco in the other, intending thus to announce that the choice of war or peace was left to the English.[2] During the visit of Smith to the Rappahannock in 1608, four kings on one occasion came to meet him, bearing only pipes and tobacco, and bows and arrows, signifying that the same alternatives were presented for his decision.[3] The tobacco pouch was tied to the belt, but was easily detached. One of the most conspicuous portions of the dress of the conjurer was a bag of the same kind, in which, however, other articles of equal value in his estimation were doubtless carried.

There are many evidences that the aboriginal inhabitants of Virginia were in the full enjoyment of tobacco when the first adventurers arrived in the country. In the course of the earliest interview of the English with them, after the hunger of both parties had been satisfied, this article was proffered the strangers, the Indians themselves smoking it in large clay pipes, with bowls held firmly together by pieces of fine copper. In the subsequent visit to the town of the Rappahannocks, situated on

[1] Beverley's *History of Virginia*, p. 144.
[2] Percy's *Discourse*, p. lxvi.
[3] *Works of Capt. John Smith*, p. 429.

the southern banks of the Powhatan, the werowance began the audience by gravely seating himself on a mat and lighting his pipe. In the excursion to an Indian village, which a number of the colonists participated in soon after the landing at Jamestown, leaves were gathered by the natives from the tobacco stalks growing in the Indian gardens, and distributed among the members of the party,[1] probably to gratify their curiosity rather than for use, as it was in May, when the plant had only reached a moderate size. In the different voyages of exploration, tobacco was always added to the generous presents of food which the Indians were constantly making, being coupled with gifts of nuts, mulberries, strawberries, and raspberries, as if it were regarded as a relish. The aborigines, in the valleys of the Powhatan and Pamunkey, continued to produce their usual amount of maize long after it had become possible to purchase their annual supplies from the English colonists, who were gradually taking possession of so much of the country. They ceased, however, to plant tobacco as soon as their white neighbors began to cultivate it on an extensive scale, contenting themselves with obtaining as much by exchange as they wanted; they were probably, in a measure, led to adopt this course by the superior quality of the leaf which the colonists grew.[2]

In addition to the varied supplies derived from the cultivation of the soil, the Indians made use, as food, of many natural products requiring no tillage. They obtained bread not only from the grains of maize, but also from the seed of the sunflower and the mattoom, the cakes manu-

[1] Percy's *Discourse*, pp. lxiv, lxv, lxvii.

[2] Campbell is the authority for this statement. See his *History of Virginia*. The Indians who lived at a distance still produced their own tobacco. See Hugh Jones' *Present State of Virginia*, p. 40.

factured from the flour of the mattoom seed being eaten with deer suet.[1] The principal root which they converted into food was the tuckahoe. This was found in the fresh-water bogs, and resembled the flag in its growth. It was so abundant that it was said that one individual could gather in a day a sufficient quantity to furnish him a subsistence for a week. To prepare tuckahoe for consumption, the Indians laid the roots together in a pile, and having covered the whole with leaves and ferns, threw loose earth over it in a mass. A fire was then kindled on either side of the mound and allowed to burn for twenty-four hours. In its raw state the tuckahoe was thought to be very poisonous, but roasted in the manner described, it was palatable and nourishing; it had to be tender when cooked; if not, unless sliced and dried in the sun after roasting it, it prickled and tormented the throat when eaten. It was generally mixed with meal and sorrel, this having the effect of lessening its strength.[2]

It was not the custom of the Indians to use any species of herb or leaf alone; for onions or hazel nuts, which the English valued so much, they had a special distaste. In the autumn they were always careful to gather a great quantity of persimmons, drying them on hurdles, and afterwards storing them away after the manner of preserved dates or figs. They also collected a berry that reminded the colonists of the English capers; this they also dried in the sun, and then kept in hot water many hours to remove its poisonous acid. The acorns of the white oak were gathered and boiled for the purpose of extracting the oil, which was used by the Indians in the anointment of their joints and limbs. The kernels were also ground into meal

[1] Beverley's *History of Virginia*, p. 139; *Works of Capt. John Smith*, p. 58.

[2] *Works of Capt. John Smith*, p. 58.

for the manufacture of bread.[1] Oil was also obtained from the walnut. The aborigines gathered a great abundance of hickory nuts, and, placing them in mortars into which water had been poured, pounded shell and kernel until a milky liquor, known as pohickory, had been made. This was used either as a refreshing drink, or as a sauce for a mess of boiled beans, peas, maize, and pumpkins.[2] The kernels of the chestnut and chinquapin were considered to be great dainties when dried, beaten into flour, and converted into bread, in which form it was reserved for the most important feasts, and for the enjoyment of the werowances.[3] The only salt in use among the Indians was the ash of stick weed and hickory; and, except the juice sucked from the crushed fibre of the maizestalk, they had no knowledge of any spirits, whether natural or manufactured, unless the infusion of hickory nuts with water can be regarded as such. The liquid they preferred for drinking purposes was the water that had long been standing in

[1] See, for these details, Beverley's *History of Virginia*, p. 140; *Works of Capt. John Smith*, pp. 56, 58.

[2] Beverley's *History of Virginia*, p. 140; Strachey's *Historie of Travaile into Virginia*, p. 129. This liquor seems to have been used also in preparing hominy for consumption. During Colonel Norwood's detention among the Indians of the Eastern Shore in 1650, he was treated to this dish thus seasoned: "It was a sort of spoon meat in colour and taste, not unlike to almond milk, tempered and mixed with boiled rice. The ground was Indian Corn boiled to a pap, which they call Homini; but the ingredient which performed the milky part was nothing but dry pohickory nuts, beaten shells and all to powder, and they are like our walnuts . . . being beaten in a mortar and put into a tray, hollow'd in the middle to make place for fair water; no sooner is the water poured into the powder, but it rises again white and creamish, and after a little ferment . . . it becomes a rarity to a miracle." A Voyage to Virginia, p. 37, Force's *Historical Tracts*, vol. III. According to Captains Amadas and Barlow, the Indians of Roanoke Island (1584), "while the grape lasted, drank wine." Hakluyt's *Voyages*, vol. III, p. 304.

[3] *Works of Capt. John Smith*, pp. 57, 58.

ponds exposed to the sun. Water, when carried to their wigwams, was kept in gourds, which served as the flagons of the aboriginal Virginians.[1]

The Indians obtained an important proportion of their supplies of food by fishing and hunting, this being the province of the men, as agriculture was that of the women and children. Their manner of fishing consisted of angling, spearing, netting, and trapping. The hook was made of a grated bone carefully bent in the form of a crooked pin. To this hook the bait was tied; the thread of both the fishing line and the net was spun by the women from the bark of different trees, from the sinews of the deer, and from the fibre of grasses. In spearing fish, the Indians either employed a long arrow secured to a stout string, or a strong javelin headed with bone or with the prickles of certain varieties of fish. The habit of spearing fish by night was practised among them very extensively, the canoe used in this operation being many feet in length, and capable of carrying many persons in safety. A large fire was lighted in the centre of the boat, which cast a glare over the surrounding water, the steadiness of the flame being maintained by the fagots that two Indian children or women were constantly adding to the fire as the material upon which it fed was consumed; at either end of the canoe, an Indian fisherman stood with his spear poised in his hand, prepared to strike as soon as the light brought a fish in the stream below to view. The sturgeon was in many instances so enormous that it was difficult to kill with a spear, and in a case of this kind the Indians were only able to secure their

[1] Beverley's *History of Virginia*, pp. 139, 140; *Works of Capt. John Smith*, p. 62. A liquor was also made from the kernels of acorns, chestnuts, and chinquapins. This could be preserved for some time. *Works of Capt. John Smith*, p. 57.

prize by slipping a noose over its tail and dragging it ashore.[1]

The Indian weir consisted of a hedge of small sticks uniform in size, or of reeds not larger than the thumb; and these were formed into a stable and impenetrable barrier by strips of oak carefully run crosswise in the shape of wickerwork. One end of this artificial hedge was pitched above water mark, while the other was attached to a large post in the middle of the stream at a point where it was frequently eight or ten fathoms in depth. Near the centre of the hedge there was a large opening leading into a pen constructed of the same wickerwork, and this in turn led into another, the series ending in an enclosure from which it was impossible for the fish after entering to escape. The largest contrivances of this kind were placed at the entrances to the principal rivers. When Smith and his companions sailed into the mouth of the Nansemond for the purpose of exploring its course, they found six or seven Indians actively employed in erecting a weir.[2] The aborigines also threw a hedge across a small stream at high tide, so that when the water had fallen they could at their ease take out the fish which had been cut off from return. There was still another method; at the falls in the rivers, loose dams of stones were built through which the great body of water was left to pass in sluices, and at the mouth of each sluice a pot of reeds, fashioned like a cone and containing a number of chambers, was placed. A fish driven into this trap by the rush of water found it impossible to escape.[3]

[1] For these particulars as to the methods which the Indians used in catching fish, see *Works of Capt. John Smith*, p. 69; Hariot, plate XIII. For the plan followed in making their boats, see Beverley's *History of Virginia*, p. 183.

[2] *Works of Capt. John Smith*, p. 431.

[3] Beverley's *History of Virginia*, p. 119.

The chief instrument used by the Indians in hunting was the bow and arrow. The bow was manufactured from the locust tree or witch-hazel, because either could be cut with ease when green, and became extremely tough when seasoned by exposure to fire or the sun. It was fashioned into shape with a shell. The arrows were made either of sprigs or reeds, according to the character of the game to be shot, and were tipped with pieces of flint and other varieties of hard stone, or with the spur of the wild turkey, or the bill of a bird, these heads being two or three inches in length, and often smeared with poison.[1] The Indian always carried about with him a bone which he used at a moment's notice in shaping his arrow head; the latter was attached to the staff by means of a deer sinew, or was glued on with a preparation of boiled deer horn.

The arrow butt was notched with a bear or beaver tooth, and the shaft was balanced with turkey feathers. The quiver was made of the skin of a fox or wolf, the tail not being detached. In addition, the tail of the panther or buffalo was often tied to the end, and suffered to drag behind. The Indian could discharge an arrow forty yards on a level, and in some cases brought down game with it at a distance of one hundred and twenty yards; some conception of the force of the discharge may be obtained from the fact, that on one occasion at Jamestown, not long after its foundation, a Paspaheigh Indian drove an arrow a foot into a target which a pistol-ball had failed to pierce; an arrow that struck a steel target, however, was dashed to splinters. Its great force was largely due to the use in the manufacture of the bowstring of the stoutest stag gut, or thongs of carefully prepared deer hide. The bow and arrow, however, was not the only

[1] *Relatyon of the Discovery of Our River*, p. xlviii. See also *Works of Capt. John Smith*, p. 68.

weapon of the Indian hunter. He carried at his back a sword, consisting of a wooden handle to which the horn of the deer was firmly fastened, and wore in his belt a heavy tomahawk, an instrument of stone sometimes sharpened at both ends.[1]

The most destructive plan adopted by the Indians in hunting was to hem the game in with a circle of fire. Establishing themselves in small parties at points which had been selected beforehand, they ignited the leaves, and, as the belt of flame contracted, the deer fled to the centre, where, in the tumult of voices, and confusion produced by the smoke, they were easily slain. In this way many were taken at one time. The Indians also ran deer into narrow angles of land surrounded on all sides but one by wide streams; when the animals took refuge in the water they were seized by hunters, whose boats had been floating in ambush by the shore. According to a third method, the hunter covered himself with the hide of the animal, his arm being thrust through the skin of the neck as far as the stuffed head, which was thus held upright; crawling on his knees from tree to tree, and carefully keeping the open side of the head concealed from the gaze of the intended victim, the hunter, by pausing occasionally as if to browse, was able to approach near enough to use his bow and arrow with certainty.[2]

During several weeks of the spring the Indians abandoned their towns to go on hunting excursions in the less frequented parts of the country; the women accom-

[1] For these particulars as to the Indian instruments for hunting, see Beverley's *History of Virginia*, p. 129, and *Works of Capt. John Smith*, pp. 68, 69, 70. For incident at Jamestown, see *Ibid.*, Introduction, p. lxviii, where it is referred to in Percy's *Discourse*.

[2] *Works of Capt. John Smith*, p. 70. For other methods adopted by the Indians, see Norwood's *Voyage to Virginia*, p. 39, Force's *Historical Tracts*, vol. III.

panying the men, and bearing the mats, acorns, corn, mortars, and every form of baggage. In the places where game was generally found, temporary wigwams were erected, and every preparation was made for a long stay. The same lodges were, in some instances, used for many years. Every kind of wild beast was slaughtered, without regard to age, sex, or condition; the old were destroyed as well as the young, and the pregnant female was struck down as thoughtlessly as the male.[1] The Indians showed a particular fondness for bear meat, and always refused to barter it with the English except for the articles which they valued most highly, such as beads and copper. The tail of the beaver they also considered to be a great delicacy. They had no domestic fowls, although so many wild ducks, turkeys, and geese were found in the rivers.[2]

In dressing fowls, the Indians were always careful to remove the feathers and entrails, but the scales and entrails were allowed to remain in the case of fish, being thrown away as the fish were eaten. In cooking the flesh of beasts, they either laid it directly on the live coals, or placed it on parallel sticks resting on four small posts inserted in the ground at the four corners of the fire, the heat of the fire gradually drying up the juices. The aboriginal method of cooking fish was either to lay them on hurdles raised above the fire, or to suspend them to sticks, and thus expose them to the flame, or to cover them with live coals and hot ashes; both fish and flesh were also broiled together in large earthen pots placed on heaps of dirt, the fire being kindled around the sides. Many kinds of vegetables were added to the mess, such as maize on the husk, peas and beans. The Indians also boiled

[1] *Works of Capt. John Smith*, p. 579.

[2] Strachey's *Historie of Travaile into Virginia*, pp. 72, 123, 124.

oysters, mussels, and meal into a broth. The dried oysters which had been carefully smoked were a common form of food, and subjected to this treatment could be kept for a long time.[1]

In preparing maize for consumption, it was the custom of the Indians to steep it in hot water for a period of twelve hours, and then to pound the grain in a mortar until a meal was made, which was sifted in a small basket as a substitute for the European sieve, the grains which did not pass through being again pounded in a mortar and undergoing the same subsequent treatment. The meal, mixed with hot water, was kneaded into a consistent mass, and then rolled into balls and cakes, which were put into a pot of hot water and thoroughly boiled. Or they were taken and laid on a smooth stone to harden, and afterwards, without having been boiled, were covered with leaves and then deposited in the open fireplace, the hot ashes drawn over them, and finally live coals. When fully cooked, they were withdrawn from the embers and cleansed. Instead of converting the grains into meal, the Indians frequently boiled them into a broth or porridge, which has kept its original name of hominy to the present day. A dish of hominy and beans was considered to be a special delicacy. The cakes that were cooked in the ashes also retain their Indian name, with a slight mutilation, appones having been contracted into pones.[2]

The custom which the Indians followed in eating their meals was very simple ; a mat was spread on the ground, and on this the dish was placed, the broiled fish and the roasting ears being laid near at hand. Roasted flesh was always served separately from broiled, and bread and

[1] Strachey's *Historie of Travaile into Virginia*, p. 127 ; Beverley's *History of Virginia*, pp. 139, 141 ; Hariot, plate XV.

[2] *Works of Capt. John Smith*, pp. 62, 63.

meat were never eaten together.[1] According to Spelman, each Indian had his own dish,[2] but other writers represent individuals of the same sex, or both sexes, as taking their meals from the same receptacle, the man seated on one side and the woman on the other.[3] Before an Indian began to eat, he took a small piece of food from the dish and threw it into the fire as an offering to the evil spirit, and he also mumbled out a short grace with the same intention of propitiation. The remains of the bread and meat were gathered up, either to be served again, or to be given to those who were destitute.[4] All the formalities of the meal were strictly regarded even in the presence of the English; when the adventurers stopped at Kecoughtan, on their voyage up the Powhatan, their Indian hosts would not suffer them to eat until they were seated on the mats spread out on the ground, on which the food had been placed.[5] During the visit of Smith to Werowocomoco in 1608, in the absence of Powhatan, he was entertained by the women at a great feast, consisting of fruit deposited in baskets; of fish, fowl, and venison in very large platters, fashioned from blocks of wood skilfully burnt, and afterwards scraped with a shell; and of beans and peas in quantities that would have furnished an ample meal for twenty hogs. Smith and his four companions were served by some of the women, while the rest sang and danced for their amusement. Doubtless the same provision was made for the Englishmen which Powhatan required at his meals, to whom a platter of water was brought, both before and after he had dined, for the

[1] Beverley's *History of Virginia*, p. 138.
[2] Spelman's *Relation of Virginia*, p. cxiii.
[3] See pictures in Hariot's and Beverley's works.
[4] Spelman's *Relation of Virginia*, p. cxiii.
[5] Percy's *Discourse*, p. lxiii.

cleansing of his hands, a bunch of feathers being used as a napkin.[1]

So bountiful had nature been to the Virginia of the aborigines, that they were only compelled to provide by manual labor a subsistence for one-fourth of the year; during the remainder they adapted themselves to the seasons, and lived on what the country spontaneously afforded. They were thoughtlessly described as an idle, improvident, and vagabond people;[2] if this were so, it was to be attributed to the happy character of the region in which they resided, that permitted them to obtain their food without the necessity of exerting themselves to an unusual degree. Long after the foundation of Jamestown, when every opportunity had been opened to the whites to convert the country into a productive garden, it was admitted by intelligent observers that the only thing accomplished was to make the native pleasures more scarce, and this was partially shown in the statutes to protect what remained of certain species of fish and wild animals.[3]

The general system of life which the Indians adhered to was as follows: in March and April, when fish were running in the streams, they depended very largely upon their weirs for food, and they also shot, with bow and arrow, turkeys, pheasants, and squirrels in the woods. In May they subsisted principally on strawberries, mulberries, oysters, fish, and beasts of the forest. It was at this season that they dispersed in their hunting excursions. In June, July, and August they fed on fish, the roots of the tuckahoe, berries, and roasting ears; in September and

[1] *Works of Capt. John Smith*, pp. 80, 124.

[2] *Ibid.*, p. 148.

[3] Beverley's *History of Virginia*, p. 126; Hening's *Statutes*, vol. II, p. 487; vol. III, p. 180.

October, they obtained their main support from the nuts which grew in such teeming abundance in the woods, the grain of their maize, the vegetables maturing in the early autumn, roots, berries, deer, fish, and oysters. When November arrived, the wild fowl had returned to the rivers and estuaries, and in winter there were oysters and the stores of maize to supply the deficiencies of the chase.[1]

It was remarked of the Indians that they grew fat or lean according to the season.[2] When the season furnished an abundance of food, they stuffed themselves night and day, falling to as soon as their eyes were opened, and unless compelled by unforeseen emergencies to arouse themselves, dropping to sleep as soon as their stomachs were filled.[3] So ravenous were their appetites that a colonist employing an Indian was forced to allow him a quantity of food double the amount that was given to the English laborer.[4] In a period of want and hardship, the warrior simply drew his belt more tightly about his waist to appease the pangs of hunger. It was rare, however, that the products of the country were curtailed by natural causes, and this is the true explanation of the aboriginal improvidence and apparent lack of foresight. As their maize was planted in the moist and fertile soil of the land along the streams, the most severe drought had but little effect in shortening the crops; a heavy wind and hail storm might inflict serious damage, but its force was always lessened by the barrier of the surrounding forests. There was no hostile influence whatever to diminish the vast abundance of fish and wild fowl. The early wild fruits

[1] *Works of Capt. John Smith*, p. 68.
[2] *Ibid.*, p. 363.
[3] Hugh Jones' *Present State of Virginia*, p. 10.
[4] Strachey's *Historie of Travaile into Virginia*, p. 77.

alone were exposed to destruction by lingering frosts. Actual famine among the Indians was unknown, although occasionally after the arrival of the English, there were years when the supplies of grain were very much shortened. The aborigines divided the year into five seasons according to its varying character; the first was known as Cattapeuk, that is to say, the season of blossoms; the second as Cohattayough, the season when the sun rode highest in the heavens; the third as Nepenough, the season when the ears of maize were large enough to be roasted; the fourth as Taquetock, the season when the leaves began to fall and the grain was ready to be gathered; and the fifth as Cohonk, the season when long lines of wild geese appeared from the north uttering the cry which suggested the name it bore.[1]

The feasts of the Indians were adapted to each season. A day was solemnized in spring in anticipation of the annual hunting expedition, and another at the same time of the year in commemoration of the ripening of certain varieties of fruits. It was in autumn, however, that the principal festivals took place, because that was the season of the greatest abundance. There was one feast to celebrate the return of the wild fowl, and another to mark the completion of the maize harvest. The last was the chief revel of the whole year, and was prolonged for several days; on this occasion the inhabitants of many towns came together to express their joy that the grain had been gathered in, that there was food enough for the women and children, and that the warriors could now amuse themselves with the chase, or gratify their love of war.[2] At this crowning feast, a fire was kindled either in a long wigwam or in a field, and a ring was formed, with posts erected at short intervals along its

[1] Beverley's *History of Virginia*, p. 166. [2] *Ibid.*, p. 165.

line having faces carved at their tops. Between these posts the Indians danced. Some were clothed in the branches of trees thrust through their belts, some held in their hands twigs and sprays of maize; others brandished their gourds or cymlin shells, which rattled as the stones and peas that they contained struck the sides in the violent motion. These instruments were so graduated that they represented a great variety of notes, the basé, the tenor, the counter tenor, mean and treble, and to their sound were added not only the voices of the performers in the ring and at the centre, at which point three Indian girls stood in loving embrace, but also the piping of recorders fashioned from reeds, and the beating of drums constructed of deep wooden platters, over the mouths of which skins had been drawn taut by a contrivance of walnuts and thongs.[1]

The early narratives throw a very pleasant light on the great plenty in which the Indians passed their lives before the English intruded on their domain. On the second day after a landing was made in the vicinity of Cape Henry, a party sent out to explore the neighborhood came upon a fire which had been kindled by the hunters, and roasting upon the embers they found a large quantity of oysters of an excellent flavor.[2] At Kecoughtan and Rappahannock, places visited by the voyagers on their way up the Powhatan, they were entertained with feasts that included a great variety of fruits, vegetables, fish, fowls, and wild beasts. In the first expedition to the Falls, groups of natives met Newport at every turn in the

[1] *Works of Capt. John Smith*, pp. 73, 76. See also the picture in Hariot representing one of these public dances. In Virginia proper a man was very frequently the figure in the centre. See the reception given to the voyagers at Kecoughtan, Percy's *Discourse*, p. lxiv.

[2] Percy's *Discourse*, p. lxii.

river, proffering him and his companions a great store of victuals; the English at many points went on shore and purchased the dried oysters, mulberries, beans, fruits, and nuts which the savages were so eager to sell. One Indian attracted special attention by his persistency. With two women, he followed the ships for many miles. Having disposed of his baskets of dried oysters, he left, but shortly reappeared in the same company with baskets of parched maize, beans, peas, mulberries, strawberries, and chinquapins. Stopping at Arrahattock on their return to Jamestown, the voyagers were presented with balls and cakes of bread, parched maize, beans, strawberries, and land tortoises, and they dined under a spreading mulberry tree, the fruit of which was dropping into their laps as they ate. At Appomattox they were offered tobacco, cakes, and fruit. In several instances during this voyage, the werowances who were visited gave them not only tobacco, melons, and bread, but deer roasted whole.[1] When the werowance of Paspaheigh sent word to the colonists that he would soon call on them, he accompanied the message with the announcement that he would bring a fat deer, upon which they would feast at their leisure.

The abundance of food observed at Werowocomoco and Pamunkey, the residences of Powhatan and Opechancanough, made a deep impression on the English. Smith and Newport, during their visit to Pamunkey, were on a single occasion presented with bread and meat in quantities sufficient to satisfy the hunger of thirty men. While stopping at the same place in the following year, Smith obtained without difficulty two hundred pounds of deer suet. When he arrived at Werowocomoco in 1609, Powhatan performed his first act of hospitality by sending to his guest as many platters of venison as ten of his

[1] *Relatyon of the Discovery of our River*, pp. xlii, xliii, xlix, l.

strongest warriors could carry. During the course of a visit which Smith and Newport paid to this monarch, they were on one occasion unable to dine with him, and Powhatan directed that bread and venison should be taken to them on board of their vessel, and the gift was found to be too much for the consumption of fifty men at one meal. When they proceeded to the residence of the king, they saw, as they drew near to the door, forty or fifty platters of bread arranged in regular lines on either side of the approaches. At Powhatan's request, a short time subsequently, Smith ordered his men to enter the house in companies of two; each man as he came in was presented with four or five pounds of bread, and at the conclusion of the interview, each one was also given as much food as he could carry on his back. Smith himself received a large basketful, and Newport the same quantity. A few hours later the monarch set before Smith a supper which was too abundant for twenty men, and seeing that he could not devour it all, commanded that the remainder should be distributed among the English soldiers.[1]

Hamor, who also visited Powhatan, has left an interesting account of the character of the royal meals. The breakfast of the king and himself consisted of a large bowl of sodden peas and beans, and a mass of bread that would have been ample for a dozen persons; an hour later, boiled fish was served, and shortly afterwards roasted oysters and crabs were brought to them in a wooden platter. At ten o'clock on the day to which Hamor was specially referring, the hunters returned with a buck, several does, and a turkey cock, and the last remnant of these was devoured by the royal household

[1] For these different incidents, see *Works of Capt. John Smith*, pp. 24, 25, 28, 31, 455.

before night arrived. On the morning of the Englishman's departure, he breakfasted on a broiled turkey, and a turkey and three baskets of bread were given him to satisfy his hunger during his journey to Jamestown.[1] This abundance was not confined to the royal palace. On one occasion Smith and his companions, who were on their way to Werowocomoco, stopped at Kecoughtan, being detained by the wind and snow, and there they spent Christmas among the savages in the enjoyment of as excellent oysters, as much fish and wild fowl, as good bread, and as roaring fires, as if they had been in old England.[2]

It is interesting to observe the use which the Indians made of the products of the earth in adorning and clothing their persons. The poorest individuals among them were in the habit of covering their bodies in winter with deer skins from which the hair had not been removed, and in summer they occasionally threw over their shoulders the dressed skin of the same animal, but in general they wore at this season only a belt of leather, in which blades of grass, or leaves of trees, had been thrust before and behind. This belt was also made of silk grass. The opulent Indians wore mantles manufactured from the skins of the squirrel, the raccoon, the beaver, and the otter, the last being held in the highest esteem. The aboriginal shoe was fashioned out of buckskin, but it was not universally used. Until the girls had passed their twelfth year they remained in a state of nudity, with the exception of a small bunch of moss in front of the thighs, but after that age they wore a leathern apron dropping from the waist to the knee. The women were clothed in large mantles of skin carefully dressed, and

[1] Ralph Hamor's *True Discourse*, p. 45.

[2] *Works of Capt. John Smith*, p. 449.

tastefully fringed and shagged at the skirt, and these mantles, like the mantles of the warriors, were generally embroidered with white beads and links of copper, or they were beautifully painted with the images of beasts, birds, tortoises, fruits, and flowers. Very frequently the mantles were made of the feathers of ducks, swans, geese, and turkeys, so skilfully woven that the threads uniting them were concealed, and these feathers were dyed red or blue as fancy suggested. In the expeditions which were sent out to hunt, or to gather wild fruit, or the grass from which the mats were manufactured, individuals of both sexes put on leather breeches and stockings, secured by strings to the waist as a shield against the weeds and shrubs.[1]

The king had no characteristic dress. On one occasion when visited by the English, Powhatan had donned a mantle of raccoon skins fashioned in a manner to retain the tails, which hung down around his body. The dress of the priest was still more conspicuous; he wore a short mantle composed of the furs of the weasel and other vermin, with the tails still attached, and the stuffed skins of

[1] For these various particulars, see *Works of Capt. John Smith*, pp. 66, 361; Strachey's *Historie of Travaile into Virginia*, pp. 65, 66; Beverley's *History of Virginia*, p. 128. Strachey gives the following description of the apparel of an Indian princess whom he had seen: "I was once early at her house," he writes, "when she was layed without dores . . . herself covered with a faire white drest deare skynne or two, and when she rose, she had a mayd who fetcht her a frontall of white currall and pendants of great but imperfect coloured and worse drilled pearles which she put into her eares, and a chayne, with long lyncks of copper which they call Tapoantaminais and which came twice or thrice about her neck . . . likewise her mayd fetcht her a mantell which they call puttawus, which is like a side cloake, made of blew feathers, so artificyally and thick sowed together that it seemed like a deepe purple satten, and is very smooth and sleeke, and after she brought her water for her hands and then a braunch or twoo of fresh greene asshen leaves as for a towell to dry them." *Historie of Travaile into Virginia*, pp. 57, 58.

sixteen or seventeen snakes ; the snake skins and the tails were drawn up over his head, where they were united in a knot, the ends dangling on all sides like the strands of a great tassel. The conjurer, who was the Indian Mercury, for he was always in motion and in haste, was much more scantily clothed, the only article of dress about his person being a girdle, from which his bag or pocket depended, and a skin in front of the thighs, while a blackbird, with outstretched wings, was fastened to his ear.[1]

The hair of the Indians was arranged in keeping with their rank. The priest shaved the right side of his head, leaving only a small lock at the ear ; the head of the warrior was also shaved on the right side, but the lock was omitted in order that there might be no obstruction to the free use of his bow and arrow ; his hair was allowed to grow on the left side, being drawn up and tied into a knot. The unmarried women cut their hair close in front and on either side, while behind, it was plaited, and suffered to hang down ; the hair of the married women, on the other hand, was permitted to grow at length, but was also plaited behind. The men stuck in the knot of hair on the side of their heads objects of various kinds, such as the antlers of the deer, the dried hand of a dead enemy, and plates of copper ; or they attached to it a hawk carefully stuffed, with pinions extended, or the outspread wing of the duck or buzzard ; and to these objects little bunches of loose shells were tied which rattled as the head was moved. The Indians perforated the ear in two or three places, and in these holes inserted strings, to which chains of bone, pearl, and copper were bound, or the legs of hawks, eagles, and turkeys, or the claws of bears, raccoons, and squirrels. In some instances, small

[1] *Works of Capt. John Smith*, p. 76 ; Beverley's *History of Virginia*, p. 167.

green snakes, still alive, were secured to the strings, and permitted to twist and twine themselves around the necks of the wearers.[1]

The werowance wore on the left side of his head a chaplet of deer skin which had been dyed crimson, and on the right, a broad plate of thin and flexible copper; two large feathers were stuck in the centre of his crown, which from their leaning in different directions resembled the horns of an animal.[2] From the necks of werowance, warrior, and squaw, pearls in strings and copper in chains of many small links were suspended. When Newport visited Opechancanough, he observed that the neck of that chief was encircled with triple strings of pearls, and that many of these pearls were as large as a pea in size. The wives of Powhatan, also, wore double and triple strings of pearl, not only around their necks, but also over the left shoulder and under the right arm. The bracelets were composed of copper and pearl. The Indians used both oil and paint on their bodies. It was their occasional habit to smear the skin with oil, and then to apply to the whole surface the soft down of bluebirds, red-birds, and white herons; which gave them the appearance of being clothed in a great variety of laces. In painting, they had several purposes in view; by this means they sought either to keep off the swarms of troublesome insects, or to increase the charms of their personal aspect, or to render themselves more terrible to their foes in battle. If the end to be gained was simply adornment, the head, neck, and shoulders were painted red, but if a war was in progress, the body was colored black or yellow, while the forehead, cheek, and right side of the head were

[1] Spelman's *Relation of Virginia*, p. cxiii; Percy's *Discourse*, pp. lxiv, lxx; *Works of Capt. John Smith*, p. 66.

[2] Percy's *Discourse*, p. lxv.

dashed with red puccoon or terra sigillata. The Indian women were accustomed to tattoo their arms, breasts, thighs, and shoulders with the images of flowers, fruits, insects, serpents, and birds. The instrument employed in the operation was a piece of metal which had been heated in the fire. The figures were burnt in the skin, and the colors dropped into the newly seared lines; so thoroughly were these colors absorbed, and so tenacious were they, that neither exposure nor the passage of time was able to obliterate them.[1]

In consequence of the steps taken to foster the physical vigor of the boys, and of the active life in the open air which the adults both male and female led, the Indians of aboriginal Virginia were fine specimens of physical strength and grace. There is no instance of a single deformed individual being observed among them by the English.[2] They differed in size very much. Until the Susquehannocks were discovered, the Rappahannocks, who resided on the southern banks of the Powhatan, presented the noblest type of physical development which the adventurers had seen in the new country.[3] The Susquehannocks were gigantic in frame, the calf of the leg of one warrior measured by Smith being three-quarters of a yard in circumference, and their voices sounded from the chest like a deep and hoarse echo from a vault or cave.[4] The people of Wicocomico, on the other hand, were diminutive in stature. The Indians, whether large or small in size, were erect and comely in figure, and alert and agile in movement. Their noses were broad and flat, their lips full, their mouths wide, their hair straight, black,

[1] Strachey's *Historie of Travaile into Virginia*, p. 66.
[2] Beverley's *History of Virginia*, p. 127.
[3] Percy's *Discourse*, p. lxv.
[4] Strachey's *Historie of Travaile into Virginia*, p. 40.

thick, coarse, and long; and their beards, when worn at all, thin and straggling. Two exceptions only to these characteristics were observed by the first settlers. At a point on the Powhatan, to which the name of Point Cotage was given, an Indian boy was seen who had a shock of yellow hair and a comparatively fair skin, while the Indian guide of Smith, on the Potomac, wore a dark, bushy beard, causing him to resemble a Frenchman.[1] Both were probably the offsprings of European fathers, and may have come into Virginia from the neighborhood of the former colony on Roanoke Island, or have been begotten by Spanish voyagers, who had visited the country previous to the arrival of the English. The impression prevailed among the early settlers that the Indians were born with a white skin, and that they gradually darkened to a brown color, not so much as the effect of internal physical influences, as from constant exposure to sun, storm, and wind, and from the continued use of paint.[2] Not a gray or a blue eye was seen among them. Their eyes were intensely black, and capable of a great variety of expression. The women in general were regular in feature and graceful in figure, with symmetrical legs, slender arms, and small and shapely hands, and their voices when they sang were not lacking in sweetness. The general health of the aborigines was sound, and they frequently lived to a great age, showing but few signs of decrepitude. An Indian was observed at Pamunkey on the Powhatan, who, according to the assertions of his tribe, was one hundred and ten years old;[3] he was still strong and erect,

[1] Percy's *Discourse*, p. lxviii; *Works of Capt. John Smith*, p. 424. Captains Amadas and Barlow had observed at Roanoke in 1584 children "that had very fine aburne and chestnut coloured haire," probably the children of European sailors who had visited the coast. Hakluyt's *Voyages*, vol. III, p. 303.

[2] *Works of Capt. John Smith*, p. 361.

[3] *Relatyon of the Discovery of our River*, p. li.

although his chin and body were covered with thin white hairs, and his mouth was entirely devoid of teeth. Powhatan, when he first came to the knowledge of the English, was supposed to have reached his eightieth year, but he had lost but little of his youthful vigor, his figure was still unbent, and he was still capable of enduring every form of hardship.[1]

The medicines of the Indians were few and simple, consisting of barks and roots which were used with discrimination in the case of special diseases. Thus for the pox, an affection to which the Indians were subject, they employed sassafras, the virtue of that shrub having been tested to advantage.[2] All medicines, whether taken internally or applied externally, were first reduced to powder and then diluted in water.[3] The Indians had many physicians, who, in addition to their prescriptions of barks and roots, used several means of curing their patients. If, for instance, it was a case of ordinary swelling, the morbid spot was burnt with a piece of touchwood until blisters had been raised, thus drawing the inflammation to a head, or it was scarified with a splinted stone. If the wound had been caused by a tomahawk, sword or other sharp instrument, the juice of certain herbs was poured into it, but for a wound attended with a fracture of the bone, or for ulcers, the physician appears to have had no remedy that was effective.[4] In applying his cure, he placed a bowl of water between himself and his patient; scooping up the fluid with his hands, he sucked it into his mouth and

[1] Strachey's *Historie of Travaile into Virginia*, p. 49. It was thought that Opechancanough was nearly one hundred years old at the time of his death. New Description of Virginia, p. 7, Force's *Historical Tracts*, vol. II.

[2] Strachey's *Historie of Travaile into Virginia*, p. 110.

[3] Beverley's *History of Virginia*, p. 172.

[4] Strachey's *Historie of Travaile into Virginia*, p. 108.

then spewed it out again over his arms and breast. Taking his rattle, he agitated it with great violence, and at the same time continued to strike his breast with his disengaged arm. While this was in progress he remained in a kneeling posture. Rising, he carefully shook the rattle over the prostrate sick man, passing it backwards and forwards, and around and around, all the while sprinkling the body, and muttering, as he did so, strange and unintelligible words. This ceremony being completed, he proceeded to apply his medicines or use his instruments, according to the character of the illness from which the patient was suffering.[1]

In every town there was a sweating-house. When this was to be used by an Indian afflicted with a dropsy, ague, or kindred affection, the physician first placed in it four or five large stones which had been kept in the fire until they were very hot. Physician and patient then shut themselves in, and water was poured over the stones, raising a great cloud of steam. Remaining until perspiration rolled from his body, and the atmosphere had grown to be too stifling to be borne any longer, the patient groped his way out and plunged into the nearest stream, whether it was winter or summer.[2] It was a pathetic fact in the history of the Indians of Virginia that they sought to use this drastic remedy when overtaken by the strange diseases which had been introduced by the English. The deaths of many by small-pox were thus hastened, to the great bewilderment of the survivors.

[1] Spelman's *Relation of Virginia*, p. cix.
[2] Beverley's *History of Virginia*, p. 173.

CHAPTER IV

AGRICULTURAL DEVELOPMENT, 1607–1624

THE first ground within the boundaries of the commonwealth of Virginia as it stands to-day, which was broken by an English agricultural implement, was at Jamestown. That place was chosen as the site of the earliest settlement only because it offered extraordinary advantages for defence against the assault of a European foe, whether advancing by the river or by the mainland. It conformed in but one respect to the order given by the Council for the guidance of the voyagers in selecting a spot for the establishment of the projected community: it was virtually an island, a short and narrow peninsula uniting it to the northern bank of the Powhatan.[1] Such insularity was considered by the Company in England to be necessary to the safety of the settlement. A site less favorable from several important points of view for the successful foundation of a colony in Virginia could not have been chosen by those who had that mission to execute. In summer the extensive marshes close at hand poisoned the

[1] Francis Maguel, in his report on Virginia to the Spanish Council of State in 1610, mentions that after building their fort, the English determined to cut through this point so that the water should surround them on all sides. Spanish Archives, Brown's *Genesis of the United States*, p. 394. When Clayton visited Jamestown in 1688, the island was joined to the "continent by a small neck of land not past twenty or thirty yards over, and which at spring tides was overflowed." Clayton's *Virginia*, p. 23, Force's *Historical Tracts*, vol. III.

surrounding air with the germs of fever, as the Englishmen soon discovered to their cost.[1] The Council had been careful to enjoin that some spot distinguished for its dryness should be selected, but this characteristic was not to be numbered among the physical features of the neighborhood of Jamestown; nor were there any open fields in the immediate vicinity, a fair indication that the Indians did not look upon its soil as of extraordinary fertility, and therefore peculiarly adapted to the production of large crops of maize and vegetables. The primæval woods, which reached to the shore, afforded a secure lurking-place for the savages when meditating an attack, the only means of obstructing their sudden incursions, as well as of providing land for gardens and wheatfields, being to remove the heavy growth of forest, a task tedious in itself, and dangerous in the exposure and exertion to which it led.[2] All these impediments to the success of the Colony might have been avoided in the beginning by the choice of a site where the soil was stripped of woods, and needing only the touch of the hoe and spade to give forth in abundance. The constant struggle against famine might thus have been prevented, and the necessity of depending even partially upon England and the Indians for supplies diminished; the approach of hostile savages could also have been observed and met with the degree of resistance called

[1] Clayton, writing in 1688, says: "There's a swamp runs diagonal wise over the island whereby is lost at least 150 acres of land . . . besides, it is the great annoyance of the town, and no doubt but makes it much more unhealthy." Clayton's *Virginia*, p. 23, Force's *Historical Tracts*, vol. III. The marshy ground must have been more extensive when the English first took possession of the island. See also Bacon's Proceedings, p. 24, Force's *Historical Tracts*, vol. I.

[2] Smith describes the site of Jamestown before the foundation of the settlement as a "thick grove of trees." *Works of Capt. John Smith*, p. 610. Hamor refers to the island as being when first seated a "thick wood." *True Discourse*, p. 32.

for. The colonists had been strictly admonished by the Council to select a spot free of wood, and in disregarding this instruction they brought upon themselves many of the most serious misfortunes befalling them.[1]

The choice which they were required to make was beset with difficulties at the best. Even when a spot appeared to combine every physical advantage, it was open to objection on account of some instruction given by the Company with a view to disconcerting foreign enemies. This was the case in the instance of Kecoughtan. It had two or three thousand acres of cleared fields, the air was not rendered unwholesome by the presence of numerous and extensive marshes and swamps, and the channel of the river could easily have been successfully disputed. The colonists did not take permanent possession of this place because it was exposed to attack on land; it was also under cultivation by the Indians, who could only have been disseized by means which would have been severely condemned by the Company in England, who recognized the wisdom of maintaining peaceful relations with the aboriginal tribes;[2] in addition, the orders which the colonists had received directed them to make a settlement at as great a distance from the mouth of the river as its depth permitted, even if that distance ran over a hundred miles.[3]

[1] "You must take especial care that you choose a seat for habitation that shall not be over burthened with woods near your town; for all the men you have shall not be able to cleanse twenty acres a year; besides that it may serve for a covert for your enemies round about." Instructions for the Intended Voyage, 1606, *Works of Capt. John Smith*, p. xxxvi.

[2] See Instructions for the Intended Voyage, 1606, *Works of Capt. John Smith*, p. xxxv. See also the Instructions for the Government of the Colonies, Hening's *Statutes*, vol. I, p. 74. There are numerous evidences that the injunction not to "implant nor wrong the salvages," was in the beginning borne constantly in mind by the colonists. See *Works of Capt. John Smith*, p. 610.

[3] Instructions for the Intended Voyage, 1606, *Works of Capt. John*

The point of land to which they gave the name of Archer's Hope had many of the physical features they were seeking. The soil was marked by considerable fertility, and there was an abundance of the finest timber near at hand. The spot could also be put in a state of defence without the expenditure of much labor. An insurmountable obstacle, however, to its selection as the site of the proposed Colony lay in the fact, that the water near the banks of the stream in that vicinity was too shallow to allow a ship to be moored very close to the shore. At Jamestown Island, on the other hand, the depth of the river was so great that a large vessel could ride in safety just off the land, with its cables tied to the nearest trees. The wide expanse of the Powhatan at this point doubtless had some influence upon the minds of the adventurers ; if they could have sailed up to the future site of Henrico or Richmond, and made their earliest settlement there, they would have felt themselves entirely swallowed up by the wilderness. At Jamestown not only could the approach of a foreign enemy be quickly discovered, but the pathway to the European world seemed to be less obstructed. The length of time during which the community at this place remained the only town in Virginia would seem to indicate that the spot had some advantages apart from the ease with which it could be defended from an attack by water or by land. Henrico was built for the purpose of displacing the first settlement, at least in part, but Henrico soon fell into decay. Not until the capital was removed to Williams-

Smith, p. xxxiv. It is a fact worthy of attention that the Council in England, after enjoining the colonists to choose a place as far up the river as "a bark of fifty tuns will float," directed that in no case "should they suffer any of the native people of the country to inhabit between them and the sea coast," an order which could only be carried out by the absolute destruction or forcible removal of the aborigines whose seats intervened. *Ibid.*, p. xxxiv.

burg did Jamestown wholly lose its importance, but this was in some measure due to the fact that it was by legislative enactment the seat of local government.[1]

The proper site for the Colony was at the modern Hampton. The subsequent course of events proved that there was no real danger to be anticipated from a foreign enemy if a settlement had been made in that general neighborhood. The expulsion of the Indians from the surrounding fields was to be brought about at an early date, and if it had taken place at once, the danger of attack precipitated would not have been less great. The adjacent country had been cleared of woods, and lay ready for the English hoe and spade. The climate on the whole was more healthy than that of Jamestown. Every local condition was favorable to the immediate success of the Colony if it had been planted there.[2]

The first step taken by the Englishmen, as soon as they had secured a foothold on Jamestown Island, was to begin the erection of a fort, a precaution which their situation made imperative. Two weeks after their arrival the colonists began to sow the English wheat brought over in the ships. As there was no cleared ground on the island when the foundation of the settlement was laid, this grain

[1] Clayton declared in 1688, that the natural situation of Jamestown was such "as perhaps the world had not a more commodious place for a town, where all things conspire for advantage thereof." Clayton's *Virginia*, p. 23, Force's *Historical Tracts*, vol. III. In the report which the commissioners from England made upon the condition of the Colony after the suppression of the insurrection of Bacon and his followers, they say that "Jamestown is not only the most ancient, but the most convenient place for the metropolis of that country" *McDonald Papers*, vol. V, p. 258, Va. State Library. This expression is quoted in Order and Report of the Lords of the Committee for Trade and Plantations touching Lord Culpeper's Commission and Instructions, March 14, 1678–79.

[2] Strachey described it as "a delicate and necessary seat for a city." *Historie of Travaile into Virginia*, p. 60.

must have been planted in soil from which the trees used in the construction of the fort had been cut away, since in an interval as brief as a fortnight there was but little time for any additional destruction of the forest.[1] The first wheatfield in Virginia lay in part at least upon "two mountains," to use the phrase of the chronicler, by which it was intended to describe only rising ground. Whatever the object leading to the selection of this spot, whether the greater safety it ensured to the laborers from the elevated situation or its proximity to the fort, the soil must have been fertile, for by the fifteenth of June, just seven weeks after the original planting, the wheat had sprung up to the height of an average man.[2]

A garden was laid off when the ground was cleared for wheat, and the seeds of fruits and vegetables, not indigenous to the country, planted, including the melon and the potato, the pineapple and the orange. The settlers observed that these different fruits and vegetables prospered, although no special degree of care was taken in preparing the land for the reception of the seed, or in removing every obstruction to the growth of the plants after they had begun to expand. The first effort to produce cotton on the North American continent was also made at the same time.[3] It is interesting to discover that upon the threshold of the Colony's existence, the adaptability of the soil and climate to the cultivation of the most valuable grades of tobacco was suspected, a

[1] "There is to be found all around the fort where we have cut down the trees, etc.," Letter of Francis Perkins, 1608, Brown's *Genesis of the United States*, p. 176. The fort was completed by the fifteenth of June. See Percy's *Discourse*, p. lxx.

[2] Percy's *Discourse*, p. lxx.

[3] Description of the New Discovered Country, *British State Papers, Colonial*, vol. I, 15, I; *Winder Papers*, vol. I, pp. 3, 4, Va. State Library.

conclusion to which the Englishmen were doubtless led by specimens of the cured leaf presented to them by their Indian hosts. The prediction was ventured in the first spring after their arrival, that by the end of the year they would be producing that commodity to the value of five thousand pounds sterling, and this anticipation would have proved correct but for the fact that the attention of the colonists soon became absorbed in the struggle for food to sustain a bare existence.[1] This is the explanation of the statement which Smith made at a later date, that during the first three years after the foundation of Jamestown no thought was given to tobacco.[2]

In the course of the winter following the settlement of Jamestown, the colonists lived in a state of great abundance on fish and game, maize bread, peas and pumpkins, only a small part of which had been obtained by their own industry.[3] Up to this time, the area of ground cleared did not exceed four acres ; this was not sufficient to afford an adequate supply of food even if the whole of it had been planted in grain, vegetables, and fruits.[4] The plenty prevailing in the winter of 1607–1608 was due to purchases from the Indians, many of the colonists going so far as to barter in exchange, but without the knowledge of the authorities, the agricultural implements that had been brought over, such as mattocks, pickaxes and hoes.

In the spring of 1608, twelve months subsequent to the

[1] Description of the New Discovered Country, *British State Papers, Colonial*, vol. I, 15, I ; *Winder Papers*, vol. I, p. 5, Va. State Library.

[2] Smith's *Pathway to Erect a Plantation*. See *Works*, p. 928.

[3] *Works of Capt. John Smith*, p. 394.

[4] "Briefe Declaration of the Plantation of Virginia during the First Twelve Yeares," *British State Papers, Colonial*, vol. III, No. 21, I. This document is printed in full in *Colonial Records of Virginia*, State Senate Doct., Extra, 1874. For particular reference, see p. 70.

foundation of Jamestown, a second attempt was made by the settlers to produce English grain. When Captain Nelson's ship, which had come from England, was sighted in the river below Jamestown Island on the twentieth of April, the larger number of the colonists were actively engaged in hewing down trees and sowing wheat, and on hearing the alarm from the fort, which was really raised in apprehension lest the approaching vessel belonged to the Spaniards, they rushed to their arms under the impression that the Indians had begun another assault upon the town.[1] This is the first intimation in the agricultural history of Virginia as to the removal of the forests with a distinct view to the production of crops, the trees cut down in the previous spring having been destroyed for the purpose of erecting a fort rather than for opening the land for cultivation. Clearing new grounds has always been regarded as the most tedious and searching task of the Virginian laborer, and however frequently he may be called upon to perform it, he always shrinks from the tax which it imposes upon his strength and patience. In the spring of 1608, the colonists had not learned from the Indians the most primitive method of destroying forests, that is, by tearing the bark in circles from the lower trunks of the trees before the spring sap has begun to rise from the roots. They were in need of open ground, and the only way to obtain it in a short time was by the application of the axe to the primæval woods surrounding them on all sides.

There has been transmitted to us an amusing account of the sensations which the pioneer wood-choppers experienced in cutting down the enormous walnut, oak, ash, gum, and cypress trees growing in the valley of the Powhatan. It is interesting to find that, unlike their

[1] *Works of Capt. John Smith*, p. 33.

successors up to the present day, many of these wood-choppers discovered in the task of removing the forest a source of pleasure and recreation. These early axemen were for the most part gentlemen by birth, and it was remarked that thirty or forty performed the work of a hundred men of the lower rank who were driven to it by the command of their superiors. In the band of men whom Smith, after the return of Newport from his unsuccessful expedition into the Monacan country, led to a point below Jamestown for the purpose of obtaining clapboard, there were two English gallants who had recently come out to the Colony, either in search of adventures or to escape the consequences of dissipated lives at home. Although they had never before cut down a tree, they soon acquired skill in the management of an axe, and were as delighted as school-boys in listening to the thunder of the trees in crashing to the ground. At first, however, their hands were blistered by the unaccustomed touch of the helves, which caused them to exclaim with an oath at every third stroke. To put a stop to this, the president ordered that every oath should be numbered, and, when the work of the day was over, for each oath a can of water was poured down the sleeve of the person who had been guilty of uttering it.[1]

[1] In their answer to "a Declaratione of the State of the Colonie in the 12 yeers of S^r^ Thomas Smith's government exhibited by Alderman Johnson and others," the General Assembly of Virginia, referring to these twelve years, said of the persons in the Colony at that time: "Many were of auncyent howses and borne to estates of 1000£ (20,000 or 25,000 dollars) by the yeere, some more, some less . . . those who survived who had both adventured theire estates and personnes were constrayned to serve the Colony as if they had been slaves 7 or 8 yeeres for their freedomes" . . . Neill's *Virginia Company of London*, p. 409. The Assembly's answer was dated 1623. For the authority for the statement in the text, see *Works of Capt. John Smith*, p. 439. The wood-choppers are there referred to as "these gentlemen" who were unaccustomed to these "conditions."

It was not until Smith was placed in charge of the affairs of the Colony that a successful attempt was made by the Englishmen to plant Indian corn.[1] Previous to 1609 they had been absolutely dependent on the capricious and treacherous aborigines for a precarious supply of grain when the stock from England was exhausted. The few small fields which they had been able to sow in wheat had not produced a large quantity. The mass of the settlers, wishing to return to England, were anxious that these experiments in agriculture should fail, and as soon as the hope of finding gold proved to be untenable, they sought to disperse all the agricultural implements upon which the people must rely for a permanent subsistence. In introducing the culture of maize among the colonists, Smith was only giving an additional proof of his sound practical judgment. It is obvious that

[1] When Newport and his company were returning from the Falls of the Powhatan in the spring in which the colonists arrived in Virginia, they stopped for a while at Arrahattock. While there, it is stated that the Indians showed the English "the growing of their corne and the manner of setting it." See *Relatyon of the Discovery of Our River*, p. xlviii. Francis Perkins, who reached Jamestown in the First Supply (January 4, 1607, O. S.), writing in the following March (28th, 1608) declares that Powhatan "has sent us some of his people that they may teach us how to sow the grain of this Country." If this occurred after the arrival of Perkins, it was mere instruction, as maize would have been planted to no purpose previous to March 28th, the date of the letter in which he refers to the act of Powhatan. It seems unlikely that the settlers were tutored by the Indians in the course of 1607, as they had not been long in Virginia before they were stricken with a terrible epidemic, which disabled those who did not perish from working in the ground. Up to ten days before this epidemic they had been at war with the savages. The letter of Perkins will be found in Brown's *Genesis of the United States*, p. 173. See p. 175 for the reference. If the colonists had already been instructed by the Indians as to the proper manner of planting maize, it would not have been necessary for Smith in the following year (1609) to rely upon the knowledge of his two captives, Kemps and Tassore: "They taught us," it is stated in Smith's *History*, p. 155, "how to order and plant our fields."

Indian corn was much better adapted to the fertile loam of the newly cleared land than the imported seeds of English wheat. The grain could also be more easily and conveniently ground, and the meal was convertible into more forms of bread. Doubtless by this time those qualities which made it more nourishing than flour to men engaged in arduous labor had been observed. Smith had been exposing himself to serious peril in his efforts to obtain a large quantity of the native grain. This source of supply was necessarily an uncertain one. In the spring of 1608 two Indians fell into his hands, and he determined to make use of their knowledge of the proper manner of cultivating maize; he ordered that forty acres should be carefully broken up,[1] and that in the different plats of these forty acres the grain of the country should be planted in strict conformity to the Indian rule; that is, in squares, and with an interval of four feet between the holes receiving the seeds. The entire operation was performed with the assistance and under the immediate superintendence of the Indian prisoners, who thus enjoyed the honor of being the first of their race to instruct for an immediate practical purpose the Englishmen at Jamestown in the art of cultivating a crop which was to enter so deeply into the economic life of the modern communities of North America. The yield of the forty acres, the first maize produced in any quantity in the boundaries of the United States by people of English blood of which we have any authentic record, was of as small importance as a single sand upon the shores of the sea, in comparison with the many thousand millions of bushels[2] form-

[1] *Works of Capt. John Smith*, p. 154.

[2] In 1879 the crop of maize in the United States amounted to 1,754,691,676 bushels. See Decennial Census.

ing the annual crop of the republic at the present time. Never has there been on this continent, however, an equal number of acres of maize which were invested with so deep an historic interest, or upon which so vital an issue depended. Of the harvest of these forty acres, a part at least was never garnered by the men who planted the seed. When the Third Supply arrived in the autumn, the large body of persons who composed it were very short of provisions, and without scruple or hesitation they took possession of a field of seven acres, and in three days had devoured every ear of maize which it contained.[1]

The forty acres which were planted in maize in the spring of 1609, were cultivated entirely by hand, the spade being probably the only instrument used in the process, or at the most, the spade, the shovel, and the hoe. The supply of these implements had been, as we have seen, seriously diminished by the colonists exchanging a large number of them for the different articles which the Indians offered for sale. Previous to the departure of Smith in the autumn of 1609, there is no reason to suppose that there was a plough at work in Virginia; it was not until the following year that the Company in England began to advertise for plough-wrights with a view to their importation into the Colony.[2] The plough at this time was a very primitive implement, its composition being of wood with the exception of the tips and shares, which were pieces of iron fastened to the parts most inclined to wear from their more direct contact with the soil. At the beginning of the seven-

[1] *British State Papers, Colonial,* vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 70.

[2] A True and Sincere Declaration, Brown's *Genesis of the United States*, p. 353. See also p. 470.

teenth century, this implement without tips or shares was to be purchased for two shillings, an amount equal in value to two dollars or more in modern American currency.[1] The cost of the plough in itself was so small that its price was no obstacle to its introduction into Virginia by the earliest settlers. The broad hoe in use was also valued at two shillings; a shovel, spade, frow and pickaxe were rated at eighteen pence a piece.[2] The absence of the plough was due in some measure to the want of draft animals and to the narrow surface under cultivation, but chiefly to the rough nature of the new grounds forming the larger portion of the fields of the colonists. The costliness of iron in this age made it inadvisable to use an implement of this character, having iron tips or shares, in soil constantly testing its power of resistance and endurance, for friction soon destroyed these two parts. Tips and shares were now more expensive than all the rest, a share alone at this time being valued at two shillings and two pence.[3] A share unprotected by iron would have soon gone to pieces in the lands under cultivation in Virginia during the administration of Smith.

Even at this early period, it was observed that animals in the climate of Virginia propagated their species very fast, a record being made of the fact, that in eighteen months three sows, imported most probably in the First Supply, gave birth to sixty or seventy pigs.[4] Hogs and

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 675.

[2] These implements were included by the Company in its list of "Such Things as Men ought to Provide when they Goe to Virginia." *Works of Capt. John Smith*, p. 608.

[3] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 675.

[4] Gondomar, in a letter to Philip III, written in 1613, remarked: "The cattle which they (English) take with them from here does not produce nor does it improve, because there is but scanty and bad grazing in the

goats increased more rapidly at this time than any other kind of live stock, on account of the inexhaustible quantity of the food upon which they subsisted. It is said that if their number had been one million, there would still have been ample sustenance for them.[1] The cows, oxen, sheep, and horses were not only confined to a narrow pasturage in consequence of the vast extent of forest, but they were also exposed to the depredations of wolves. There were five hundred chickens in the Colony, although no food was specially provided for them.[2]

The interval between the departure of Smith and the arrival of Delaware was marked by a complete abandonment of the methods which the former adopted to place the Colony in a position to obtain its supplies of food entirely from the soil of Virginia. The hogs, poultry, goats, sheep, and horses were all, with the exception of one sow, killed and devoured by the settlers and Indians, and the few persons who survived the frightful Starving Time were compelled to rely for subsistence on roots, herbs, acorns, walnuts, berries, and fish. Lord Delaware arrived in Virginia in June, 1610, and only a few days after he reached Jamestown, Sir George Somers was despatched in company with Captain Argoll to the Bermudas, to procure from those islands, among other things,

fields." Spanish Archives, Brown's *Genesis of the United States*, p. 660. Gondomar had either been misinformed, or he was intentionally depreciating the capabilities of Virginia. Not only did all kinds of cattle thrive and propagate very rapidly in the Colony, but it was observed at an early date, that "there were few countries where overgrowne women became more fruitful." *Works of Capt. John Smith*, p. 886.

[1] Letter of Francis Perkins, Brown's *Genesis of the United States*, p. 176.

[2] *Works of Capt. John Smith*, p. 471. In his *Discourse of Virginia*, Edwin Maria Wingfield wrote: "I had by my owne huswiferie bred above 37, and the most part of them of my owne poultrye." *Works of Capt. John Smith*, p. lxxxix.

many of the wild hogs which were so numerous there, to replace the hogs eaten by the colonists in the extremity of their distress.[1] During the ten months Delaware remained in Virginia, the time not spent by him in an aimless search for unknown mines, was devoted to promoting the cultivation of the soil; the hours of labor set by him for the settlers were from six until ten in the morning, and from two to four in the afternoon, a division most excellent as to the morning, but not so judicious as to the afternoon, except in the tempered months of the year.[2] The respectable but slow and ceremonious Governor, in his report to the Council as to his administration in the Colony, which appears to have been rather inglorious, states that during the winter he passed in Virginia he directed that much ground should be sowed in roots.[3] These roots were doubtless turnips and carrots, which had a few years before been found to thrive in the valley of the Powhatan. The same ground had been, at the time of Delaware's departure, this being in the following March, put into a condition to receive corn. The main dependence for food during his executive control seems to have been placed upon the store brought over from England, and upon the supply of maize which Argoll had been able to secure by trading with the Indians. Lord Delaware sought to test the virtue of the native grape by introducing into Virginia for the purpose of making wine a number of French vine dressers, who soon after their arrival proceeded to transplant the vine of the country.[4] There

[1] Somers died before he could return. Argoll, failing to make the Bermudas, directed his course to the fishing grounds of the North, and having obtained there a cargo of cod, sailed back to Jamestown.

[2] *Works of Capt. John Smith*, p. 502.

[3] Delaware's Relation, 1611, Brown's *Genesis of the United States*, p. 482.

[4] *Works of Capt. John Smith*, p. 502.

is no record as to the result of their experiment, but it was probably not attended with much success. At this time no provision was made for the protection of cattle in winter, not even for supplying them with food. Delaware remarked upon the fact as an indication of the mildness of the climate.[1] This was the beginning of the custom afterwards prevailing so generally in the Colony, and which has been continued to the present age, of permitting live stock to run at large in the fields and woods at all seasons of the year, without any addition to their provender beyond what they can themselves secure, the natural effect of which has been to reduce the size of the breeds.

Sir Thomas Dale reached Virginia in May, Delaware having left the Colony in the hope of restoring his health. Being a man of singular energy, decision, and firmness of character, Dale proceeded to enforce the same rules for the use of the soil which Smith had been practically the first to adopt. Instead of looking to the Indians for the principal supplies of corn, or depending upon the store of imported provisions, he determined to secure an abundance of food through the industry of the settlers themselves. The second day after his arrival at Point Comfort, he visited Forts Henry and Charles, not only to examine the condition of these fortifications, but also to observe the character of the surrounding soil with a view to planting it in corn. Collecting together the men who had accompanied him from England and a part of the garrison occupying Fort Algernon, which was situated near to Point Comfort, Forts Charles and Henry standing on Southampton River, he set them to clearing the fields in the neighborhood of Fort Henry, to digging the ground, and to dropping and

[1] Delaware's Relation, Brown's *Genesis of the United States*, p. 481.

covering up the seed. The work of preparing the fields around Fort Charles he gave into the general charge of Captain Davis. He then departed for Jamestown, which he reached on Sunday, the 19th, and there found the inhabitants playing bowls in the streets.[1] Although May was now drawing to a close, Captain Percy, who had been left at the head of the Colony by Delaware, an honorable but weak man, who, like Delaware, would never have been advanced but for his rank, had taken no steps to compel the settlers to plant corn. The gardens had fallen into a

[1] Sir Thomas Dale to the Company in England, Brown's *Genesis of the United States*, pp. 490, 491. Dale reached Jamestown not only on Sunday, but on Sunday afternoon when the services in the church were over. It is well known that in the early part of the seventeenth century, Sunday was the day on which the English diverted themselves with a great variety of sports. The Book of Sports issued by James I, expressly permitted, after evening service, "dancing, archery, leaping, vaulting, May games, whitsunales, morris dances, and setting up of May poles." The Statute 1 Car. I. C. I., "inhibited concourse of people out of their own parishes on the Lord's Day for any sports and pastimes whatsoever," the implication being that no objection was to be offered to sports on Sunday in any parish as long as those who took part in them were residents of the parish where the sports were celebrated. It would be improper to draw an inference unfavorable to the industry of the colonists of Virginia in 1611, from the mere fact that on Dale's arrival at Jamestown they were found amusing themselves with playing bowls. They would have been found thus engaged on that occasion even if they had been remarkable for indefatigable energy as workers. It should also be remembered that Percy, who was left in command by Delaware, was, like Delaware himself, of liberal religious rearing, and, therefore, more disposed to encourage than to repress indulgence in sports on Sunday. As to how far bowling constituted the "daily and usual works" of the colonists at this time, as Hamor asserts, this at least can be said in opposition: Delaware left Virginia on the 28th of March, 1611, seven weeks and four days before the arrival of Dale. During his sojourn in Virginia we are informed "that every man endeavored to outstrip the other in diligence . . . every man knew his charge and discharged the same with alacrity." *Works of Capt. John Smith*, p. 502. If the colonists had fallen into habits of laziness, it was confined to the forty-nine days during which Percy was in control.

state of great neglect, a few seeds only having been put into the ground. Careful provision, however, had been made for the preservation of the cows, oxen, goats, hogs, and poultry imported by Delaware. Dale, with characteristic promptness, at once outlined measures that would remove the evil conditions now prevailing. The first of these measures has an unusual importance, from the fact that it held out to the colonists in a modified form the right of holding private property, a right which had not as yet been granted. It was proposed to assign a separate garden to each man, and to lay off a common garden to be devoted to the cultivation of hemp and flax. The first stable erected in Virginia, so far as the records show, was designed by Dale at this time. A building was also projected for the kine, for which Dale provided further by directing that hay should be gathered in season to serve for their food in winter. Special precautions were taken by him to put a stop to the depredations of the Indians upon the stock of cattle, a block-house being erected for this purpose on the mainland. Even before the departure of Smith, in 1609, the hogs, the animals most disposed to wander, had to be transported to an island in the river, until recently known as Hog Island, in order to escape the clutches of the Indian marauders; many, however, remained in the woods on the banks of the Powhatan, and increased so enormously in number, in consequence of the mild climate and the abundance of roots and mast, that they became more plentiful than deer. It was said at the time that the savages, as compared with the English, destroyed the wild hogs in a proportion of eight to two. The block-house built by Dale was intended to protect only the cattle ranging on Jamestown Island. Soon after his arrival he issued a proclamation commanding the colonists to be careful not to allow their live stock to

wander, in which he had in view the depredations of wolves as well as of Indians.[1]

It is an indication of the energy of Dale that on the third day after he reached Jamestown, he visited the former site of the Paspaheigh village, situated a short distance away,[2] his object being to discover whether the soil there was adapted to the production of hemp and flax, as he inferred would be the case from the fact that it was reported to be excellent ground for grain.[3] It would seem that Dale was anxious to cultivate flax and hemp in a considerable quantity, as it had already been determined to lay off a garden for this purpose, and probably he hoped to find a site for this garden at Paspaheigh preferable to any that was to be observed in the vicinity of Jamestown. The fields which had been abandoned by the tribes residing there when the country was first settled were discovered to be overgrown by shrubs and bushes, and it was too late in the season to remove them and then prepare the

[1] The authority for these details will be found in the letter of Dale to the Virginia Council in England, Brown's *Genesis of the United States*, pp. 489–493, and Neill's *Virginia Vetusta*, pp. 77–83. For the proportion of cattle destroyed by the Indians, see *Works of Capt. John Smith*, p. 579.

[2] The variation in the testimony as to the distance between Jamestown and Paspaheigh is worthy of notice. In the account given by Anas Todkill in the *Works of Capt. John Smith*, p. 107, it is stated to be "neere 7 miles." Rolfe, *Ibid.*, p. 542, places old Paspaheigh "a little more than a mile" off. Percy speaks of the distance to the Indian village as four miles, p. lxvii. The Paspaheigh, seven miles away, was probably what was known as Argoll's town. In the "lawes of 1619," there is a reference to the "inhabitants of Paspaheigh, *alias* Martin's Hundred People." See *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 30.

[3] Fifteen years after this, a petition was offered in the General Court by the colonists residing at Paspaheigh, in which complaint was made of the barrenness of the soil there, and for that reason permission to move elsewhere was earnestly sought. General Court Entry, Feb. 9, 1626, Robinson *Transcripts*, pp. 58, 59.

soil for the desired crops.[1] Dale decided to erect a new town at some point enjoying natural advantages, both in climate and situation, superior to those of Jamestown. While waiting until the planting at Kecoughtan was finished, a large number of persons who would be required in the construction of the projected town being engaged in that work, he set men to felling timber and fashioning rails, palings, and posts to be used as soon as the building should begin. When the completion of the planting at Kecoughtan permitted him to act, he proceeded very cautiously before he finally selected a site combining the advantages which he wished to secure. He first explored the Nansemond and afterwards the Powhatan. Many weeks must have been absorbed in these excursions, for it was not until September that he led a large body of colonists to Henrico, the modern Farrar's Island, the spot which he had chosen for the new settlement.[2] Sir Thomas Gates

[1] Dale to the Virginia Council in England, Brown's *Genesis of the United States*, p. 493.

[2] Ralph Hamor's *True Discourse*, p. 26. There is a sentence in the letter Dale wrote to Salisbury in April, 1611, which at the first glance would appear to mean that he had been instructed before he left England to found a town on the site of Henrico: "At Arsahattacks . . . I have surveied a convenient, strong, healthie and sweete Seate to plant a new towne in (according as I had in my instructions upon my departure) there to build, from whence might be no more remove of the principall Seate." Brown's *Genesis of the United States*, p. 504. It is quite certain that Dale intended merely to say that he had on his departure from England received instructions to build a "new towne in Virginia," and that he had "surveied Arsahattacks as a convenient, strong, healthie and sweete Seate" for this "new towne." This is the only interpretation consistent with the excursion that he had made to Nansemond, to which not only Hamor testifies, but also Whitaker. See Brown's *Genesis of the United States*, p. 498, where references to the exploration of both the Powhatan and the Nansemond by Dale will be found in a letter from Whitaker to Crashaw. Hamor declares specifically that when Dale arrived he had not determined upon the locality for the site of the new town. *Works of Capt. John Smith*, p. 507.

had now arrived in Virginia. It was evidently Dale's original intention practically to abandon Jamestown, his purpose being to leave there only fifty men with a commander to protect the cattle.[1] The arrival of Gates, his superior officer, seems to have changed this plan. Henrico was situated in a fertile region clear in great measure of forest, and was capable of being easily defended. He first surrounded the site of the proposed town, a plat of seven acres, with a paling, an undertaking which must have been thoroughly performed, a large force of men being employed in it for ten or twelve days. He then erected a second pale across the neck of the peninsula, doubtless along the line of the present Dutch Gap Canal. Two miles inland he raised a third paling, which stretched from the river on the one side of the peninsula to the river on the other side, and in the extensive area thus secured he laid off fields which would furnish a supply of grain sufficient not only for the population then living in Virginia, but for as many colonists as were likely to arrive in the course of the following three years. The separate corn-fields were also surrounded by palings as a protection against the cattle of the settlers, and doubtless also against wild deer.

In order to obtain a range for hogs, Dale determined to build a paling on the south side of the river. This protected a circuit of twelve English miles. A number of rude huts were raised at certain points on the line of the fence and placed under the supervision of commanders. In December, Dale seized upon the lands of the Appomattox Indians lying on the Powhatan near the mouth of

[1] Dale to Salisbury. See sentence in previous note, "from whence (*i.e.* Henrico) there might be no more remove of the principall Seate." For the number of men to be left at Jamestown, see Dale to the Virginia Council in England, Brown's *Genesis of the United States*, p. 492.

the Appomattox River, and composed of many miles of fertile champaign and woodland. This new territory he divided into Hundreds. He then built a paling two miles in length from the Appomattox to the Powhatan, shutting in an area of eight English miles, and here in the spring of 1612 he planted corn. Rochdale Hundred was formed by the erection of a pale four miles in length from river to river, and this ensured an additional area of twenty circuit miles in which the live stock could browse in security. At certain intervals along the lines of these pales, houses were put up, the occupants of which formed a guard not only for the population of the Hundreds, but also for the hogs and cattle, many of which had been imported.[1] When Dale came over in the spring of 1611, he had brought with him sixty cows, and in the summer of the same year Sir Thomas Gates had reached the Colony, having, as a part of the cargo of his fleet, one hundred kine and two hundred hogs.[2] The animals were transported in three ships after a model known as the caraval, which was probably used for this purpose in the present instance on account of the room which it afforded above deck, the animals having an abundance of fresh air, and the flooring being kept clean with ease. When the fleet was first sighted as it was making its way up the river, these strange vessels led the people at Jamestown to believe that the Spaniards had appeared in Virginia, and at once a great commotion arose.[3]

It was not until 1612 that the cultivation of tobacco, even in patches of a few plants, began among the Eng-

[1] For these different particulars as to the Henrico settlement, see Ralph Hamor's *True Discourse*, p. 31; *Works of Capt. John Smith*, pp. 509, 510.

[2] Delaware's Relation, Brown's *Genesis of the United States*, pp. 481, 482. Stow's *Chronicle*, Howe's abridgement, places the numbers at "two hundred kine and as many swine."

[3] Ralph Hamor's *True Discourse*, p. 28.

lish settlers. Hitherto their attention had been confined entirely to products that could be used as food, to grain, vegetables, beef, and pork. To obtain grain and vegetables, they had been in the habit of relying in part upon the stores of the savages. Some crop was needed that, from the readiness with which it could be sold in England, would furnish means for the purchase of clothing and other necessaries. So far, the shipments from Virginia had been limited to a few articles like sassafras and clapboard, which could not properly be included among agricultural commodities. That the consumption of tobacco in England was already very large, may be inferred from the fact that it was supposed, only two years after the experiment of 1612, that the amount used entailed a national outlay of two hundred thousand pounds sterling.[1] It has already been pointed out that the adaptability of the soil of Virginia to the plant was recognized at an early date, and that confident anticipations were entertained as to the profitableness of its culture, which, however, were not at once turned into a reality, because the question of obtaining a supply of food was for several years of the foremost consideration with the settlers. The first colonist who was led to make a trial of the weed which was to exercise such an enormous influence on the history of Virginia and the United States, was the celebrated John Rolfe, the husband of Pocahontas. His attention was in a measure called to it by the fact, that he was himself addicted to the habit of smoking.[2] In Vir-

[1] Delaware MSS., Brown's *Genesis of the United States*, p. 772. In a debate in the House of Commons in 1614, it was stated, "that many of the divines now smell of tobacco and poor men spend 4d. of their day's wages at night in smoke." House of Commons *Journal*, April 20, 1614, speech of Mr. Middleton.

[2] Ralph Hamor's *True Discourse*, p. 24. The colonists appear to have thought meanly of the tobacco provided by the Indians. Strachey de-

ginia the plant could only be gotten by cultivating it, or buying it from the savages. It does not appear to have been of spontaneous growth in the soil of the country. Even to-day, when so much tobacco is produced in the State, and when it has been the staple crop for two hundred and seventy-five years, we do not observe it springing up by the roadside as if it were an ordinary weed which spreads without the intervention of the hands of man. As the Indians and the colonists were so constantly at war, Rolfe was probably induced to cultivate a small patch for his own use as a means of obtaining a certain supply. Secondary to this motive was a desire to find some commodity that could be sold at a profitable rate in the markets of England, thus advancing the prosperity of the settlers, and promoting the success of the Company. This condition appeared to be fulfilled in the case of tobacco, if it could be produced in quantities large enough, and of sufficient excellence in quality to allow an active competition with the importers of the Spanish leaf, which at this time met the demand in England.

The experiment of Rolfe would probably have led to the exclusive cultivation of tobacco by the colonists, but for the fact that Sir Thomas Dale was able to govern their action. His first object was to provide them with an abundance of grain. In 1614 alone, it is stated that there were five hundred acres planted in maize. The changes which he introduced were well calculated to keep the common store always ample. Previous to the arrival of Dale, the settlers did not have even a modified interest in the soil, or a partial ownership in the returns of their

scribed it as "poore and weake . . . not of the best kynde." *History of Travaile into Virginia*, p. 121. Rolfe, in testing the capacity of the plant, as known in Virginia, to improve under English cultivation, was really making an experiment which might or might not be successful.

labor. Everything produced by them went into the store, in which they had no proprietorship. The influence of this fact was most obstructive to the growth of the community in prosperity; there was a very natural disposition on the part of the colonists to idle over their tasks, or to avoid the performance of these tasks altogether, and it was observed that those who were most honest and energetic by nature, were comparatively indolent and indifferent in attending to their duties in the field.[1] So capable and resolute a man as Dale would not be long in detecting the cause of the evil, or in applying the most direct measures for removing it. Reference has already been made to the fact, that as soon as he reached Jamestown he consulted with the resident Council as to the advisability of allotting to each man a "private garden." This term seems to have been the expression for private holding, "common garden" being applied to ground set apart for public uses. The judgment of the Council must have been favorable to Dale's suggestion, for at a later date he assigned to a large number of the colonists who were distinguished for superior qualities, three acres apiece, to be held under lease. The most prominent of these men was William Spencer, who was described as honest, industrious, and valiant. The tract of each person was referred to as a farm, and the person himself as a farmer — that is to say, a man who paid rent as the condition of his tenure. The amount of this rent in grain was two and a half barrels for himself and each of his servants. Every tenant was required to work for the commonwealth one month in the year, but this was not to conflict with either seed-time or harvest.[2] In order to

[1] *Works of Capt. John Smith*, p. 516.

[2] Ralph Hamor's *True Discourse*, p. 17. Hamor attributes the change to Sir Thomas Dale. "Dale," he writes, "hath taken a new course

restrict the degree of attention to be paid to tobacco, Dale commanded that no man should be permitted to plant it until he had put down two acres in grain, an indication that as soon as the farmers were left to follow their own inclination they were disposed to neglect the cultivation of grain in their eagerness to produce the former commodity.[1] Not all the colonists were granted the privilege of tenants.[2] Those persons who were not so distinguished were placed in what was known as the common garden,[3] being compelled to turn over to the general store all the results of their labor during eleven months of the year, the fruit of the twelfth being left in their hands to be disposed of to their own private advantage.[4] A section of these agricultural servants, for such

throughout the whole Colony; . . . he hath allotted to every man three English acres . . . ." The Brief Declaration, &c., on the other hand, states that "the penurious and harde kinde of livinge enforced and emboldened some to petition to Sir Thomas Gates, then Governor, to grant them that favor that they might employ themselves in husbandry . . . . which request was denied unless they would paye the yearley rent of three barrels of corne, &c.; *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 75. It should be remembered that although Gates was the Governor of the Colony at this time, he was in Virginia during only a part of his term, Dale acting in his stead. The petition was probably presented to Gates only nominally, if at all. Hamor's *Discourse* is more trustworthy than the Brief Declaration.

[1] Rolfe's Virginia in 1616, *Va. Hist. Register*, vol. I, No. III, p. 108.

[2] *Works of Capt. John Smith*, p. 516. It is impossible to give the proportion between those who received and those who did not receive this privilege.

[3] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 21.

[4] *Works of Capt. John Smith*, p. 516. It is not stated which of the months the month allowed them was. It is not improbable that the time was a period equal to a month, made up of days granted from week to week in the season of planting and cultivating. This time they

was the relation which they bore to the community, were allowed, in addition to a month, one day in each week from the first of May until harvest, thus giving them much time to look after their private crops. These men were employed in Charles Hundred. To them alone seems to have been extended the promise of an absolute freedom, to take effect in 1617. It is a significant fact that they were moved to petition Gates for their release at the suggestion of Dale, whose name is associated in the history of Virginia with so much severity, but who was really only harsh to the indolent and worthless.[1]

Dale was not content with establishing a system of tenancy; he put in force a rule assuring every man with a family who arrived in the Colony a house of four rooms or more, which he was permitted to occupy without payment of rent. In the vicinity of this house, twelve acres of ground carefully fenced in were consigned to him on condition that he confined his husbandry to the cultivation of wheat, maize, roots, and herbs, it being the policy of Dale to produce chiefly what could be used as food. Provisions in quantity sufficient to furnish him and his family with an ample supply for twelve months were delivered to the new comer, but after this interval he was expected to earn his own support unaided and the support of those who were dependent upon him. Tools were also presented to him, and, for the more comfortable subsistence of his family, poultry, swine, several goats, and even a cow were given to him.[2] The authorities could

might have used in tilling their own rented ground. Or they may have been paid for one month's work in the common garden.

[1] *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 76.

[2] Ralph Hamor's *True Discourse*, p. 19. After twelve months had passed, it is probable that the exemption from the payment of rent ceased.

now afford to show liberality, for there were at this time two hundred horned cattle in Virginia and an equal number of goats. Swine roamed in herds in the woods, the property of any one who could capture them. Many hogs were owned by private persons, while others belonged to the public. The number of horses, mares, and colts was small;[1] some of those in the Colony had in the previous year been imported by Argoll, having been seized in the expedition against Canada.[2] The chickens had increased very much, and there were also many turkeys, pigeons, and peacocks.[3] The large number of live stock in Virginia during Dale's administration was said to be one of the causes for the growth of population in later years, the regulation established with respect to an allowance of hogs, goats, and cows, to every immigrant who was accompanied by his family, being a strong inducement to remove thither, the reputation of which continued after Dale had left the Colony.[4]

At the time of Dale's departure, the settlements in Virginia consisted of Henrico, Bermuda, West and Shirley Hundreds, Jamestown, Kecoughtan, and Dale's Gift.

[1] Ralph Hamor's *True Discourse*, p. 23.

[2] Molina to Gondomar, Spanish Archives, Brown's *Genesis of the United States*, p. 742.

[3] Ralph Hamor's *True Discourse*, p. 23; Company's Letter, Nov. 26, 1621, to Governor and Council in Virginia, Neill's *Virginia Company of London*, p. 270.

[4] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 22. One of the provisions of the Martial Code enforced by Dale was to the following effect: "No man shall dare to kill or destroy any bull, cow, calfe, mare, horse, colt, goate, swine, cocke, henne, chicken, dogge, turkie or any tame Cattel or Poultry of what Condition soever; whether his owne or appertaining to another man, without leave from the Generall, upon paine of death in the Principall, and in the accessory, burning in the hand and losse of his eares, and unto the concealer of the same, foure and twenty houres whipping." Lawes Divine, Morall and Martial, p. 15, Force's *Historical Tracts*, vol. III.

The male inhabitants were divided into officers, farmers or renters, and laborers or servants. It was the duty of each officer to maintain a careful watch over the division of population assigned to him for protection, but this did not relieve him of the necessity of earning his own support. The laborers belonged to two sections, those who were employed in the common garden, and those who were employed in the trades of smith, shoemaker, carpenter, tailor, and tanner, who, however, were not exempted from the task of tilling the ground.[1] At the close of Dale's administration there were thirty-eight persons in Henrico, a majority of whom were tenants who held their lands under covenant; the remainder were in part at least their servants. The commander was Captain James Davis. Of the hundred and nineteen inhabitants of Lower Bermuda Hundred, whose commander was Captain Yeardley, seventeen were farmers or tenants. Thirty-one of the fifty inhabitants of Jamestown were tenants, the commander there being Captain Francis West. The farmers at Kecoughtan numbered eleven in a population of twenty. Captain Webbe was the commander here. There were twenty-five persons at West and Shirley Hundreds, all of whom were engaged in planting under the supervision of Captain Madison. These men belonged to the class of laborers who were employed for the public wealth; the restriction of their attention to tobacco shows that it had, only four years after the first experiment of Rolfe, become one of the staple crops of the Colony.[2] The most experienced judges had already recognized the superior quality of the leaf produced in Virginia. John Rolfe ventured, in the light of the improvement made in its cultivation and

[1] Rolfe's Virginia in 1616, *Va. Hist. Register*, vol. I, No. III, p. 107.

[2] *Ibid.*, pp. 109, 110.

manipulation, to predict that after the test of longer trial and the incurrence of a little more expense, it would bear a favorable comparison with the tobacco of the West Indies.[1] Hamor, who seems to have had an accurate knowledge of every grade of this commodity, declared that the Colony, as early as 1614, afforded a plant equal to that of Trinidad, and as strong, sweet, and pleasant as any cultivated under the sun, and he stated further, that the people were rapidly acquiring so much knowledge as to the best way of curing it that it must in a short time become as popular in England as the Spanish product.[2] By 1616, this knowledge must have been very much increased. Dale had probably been influenced by a very strong reason in allowing the culture of tobacco to be gradually extended until, as we have seen, it absorbed the whole attention of all the laborers in two of the settlements. There can be little doubt that at this time it commanded the readiest sale in England of all the products of Virginia. The cultivation of wheat and maize was intended entirely for the support of the persons who had been living in the Colony, or who proposed taking up their residence there; not one grain was for export; on the other hand, the whole of the tobacco crop was designed for shipment to England, there to be sold by the Company, and the proceeds returned in clothing for the settlers.

Tobacco, however, was not the only product of Virginia transported to England during the administration of Dale. Eleven commodities were at this time annually sent to the mother country, in the hope that the Colony

[1] Rolfe's Virginia in 1616, *Va. Hist. Register*, vol. I, No. III, p. 105.

[2] Ralph Hamor's *True Discourse*, pp. 24, 34. It was not long before a certain place on the James River acquired the name of Varina from the supposed similarity of the tobacco produced there to the celebrated Spanish Varinas. See *Va. Hist. Register*, vol. I, No. IV, p. 161.

would soon be able to compete successfully with foreign merchants in supplying the English people with the articles which they were now compelled to purchase abroad.[1] Dale had established a vineyard at Henrico not long after the foundation of that settlement, covering an area of three acres, in which he planted the vines of the native grape for the purpose of testing their adaptability to the production of wines that could be substituted for those of France and Spain. Silk-worms were sent over in the winter of 1614, and in a few months grew to an extraordinary size. To such an extent did they flourish on the mulberry leaf in Virginia, that it was confidently expected that silk-making would become one of the most important industries of the Colony. Captain Martin about the same time tried experiments with the native silk-grass, transplanting many of the wild plants to a garden of his own, having been encouraged to do this by the excellence of the product obtained from them. He proposed to make this commodity one of the exports of Virginia.[2]

Great as were the agricultural improvements in the Colony during the administration of Dale, no plough as yet seems to have been brought into its plantations. None were in use there. Hamor, in 1614, indulged the hope that in the following year three or four ploughs would be set to work, there being now a sufficient number

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 65. Dale to Winwood, Brown's *Genesis of the United States*, p. 783. When Dale returned to England in 1616, he carried over as the cargo of his ship, "tobacco, sasafrix, pych, potashes, sturgyon & cavyarge and other such lyk Commodytyes as yet that Countrye" yielded. *Ibid.*, p. 783.

[2] Ralph Hamor's *True Discourse*, p. 35. The silk-worms were brought over by Captain Adams in the ship *Elizabeth*, which arrived in Virginia in the winter of 1613-14.

of steers to draw them.[1] The spade and shovel, hoe and mattox, continued to be the only agricultural implements.

As Dale was now satisfied with the general condition of the Colony, he decided in the spring of 1616 to return to England,[2] affairs in Virginia being left in the guardianship of George Yeardley as deputy governor. The first act of Yeardley, in this new character, was one of extraordinary importance in its relation to the future growth of the country. By the terms of their agreement with Sir Thomas Gates made previous to his departure in 1614, the laborers in Charles Hundred could claim their freedom at the end of three years, and from this time enjoy the full returns of their own industry. They demanded now

[1] Ralph Hamor's *True Discourse*, p. 23.

[2] The work accomplished by Dale in Virginia was of the greatest importance. The extraordinary progress of the Colony during the few years he, in the absence of Gates, directed its affairs, is the best evidence of his energy and sagacity. Like Smith, he was eminently practical in his cast of mind, and soon formed a just notion of the conditions which had to be met in order to place the colonial settlements upon a footing of lasting prosperity. The previous military training of the two men, as well as their resolute characters, were of the highest advantage to the common enterprise in which they were engaged in successive periods. That Dale was able for the time being to effect more than Smith, was due not only to his longer tenure and larger resources in men and supplies, but also to the more unquestioned liberty of action which he enjoyed. As showing how essentially alike were the wisdom and the spirit of these two remarkable men, the two greatest associated with the early history of Virginia, it is interesting to compare the letter which Dale addressed from Jamestown to Salisbury in August, 1611 (see Brown's *Genesis of the United States*, pp. 501–508), with Smith's letter to the Treasurer and Council for Virginia, *Works*, pp. 442–445, and his Answer to the Commissioners' Questions, pp. 615–620. No unprejudiced person can read these compositions without a feeling of the highest admiration for the sagacity as well as for the rugged manliness of the authors, typical Englishmen who possessed those great qualities of administration and leadership which have made their nation the foremost in the modern world.

that this privilege should be granted them, and the request received an affirmative response. Being set at liberty, it is stated that they reaped an abundant harvest.[1] It is a point of some interest to know what was the exact relation which they bore to the soil they cultivated in the summer of 1616. Some lands were held in the Colony at this time in fee simple.[2] The probability is that the emancipated laborers of Charles Hundred became tenants, who occupied the same footing as the farmers during the administration of Dale; this seems to be confirmed by the fact that a granary was erected in this Hundred, which, upon the arrival of Argoll in the following year, was found to be full of grain contributed by the tenants.[3]

[1] "Briefe Declaration of the Plantation of Virginia during the First Twelve Years," *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, pp. 77, 78.

[2] This is to be inferred from the following minute of the proceedings of the Assembly of 1619, under the head of "Satturday July 31": "It was agreed these petitions ensuing should be framed to be presented to the Treasurer, Counsel and Company in England that albeit they have been pleased to allotte unto the Governor, to themselves, together with the Counsell of Estate here and to the officers of Incorporations, certain portion of lande to be layde out within the limites of the same, yet that they would vouchsafe also that *groundes as heretofore had bene granted by patent to the antient planters by former Governours that had from the Company received Commission so to doe*, might not nowe after so muche labour and coste and so many yeares habitation be taken from them." If patents were granted to the laborers of Charles Hundred, who are referred to in the text, they were the first to enjoy a fee simple tenure in Virginia. It will be seen hereafter that under the original agreement, the lands were to be allotted in fee simple holdings in 1616, the year in which these laborers were emancipated, the distribution to be made among the shareholders, in proportion to their shares, and the "antient planters," as they were called, that is, the laborers who had come out previous to the departure of Dale. The proceedings of the Assembly of 1619 will be found in *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 9; for particular reference see p. 15.

[3] *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 78.

Dale's injunction as to the superior attention to be paid to the production of grain seems to have been carefully observed by his successor. Not only was the granary in Charles Hundred full when Argoll reached Jamestown in 1617, but there were stores of grain in all the plantations. It was said that at this time the part of the Company's lands, known as the common garden, yielded a profit of three hundred pounds sterling; this profit must have been derived almost exclusively from the production of tobacco, as tobacco was the only crop shipped to England. The common garden was cultivated wholly by laborers bound to the Company by indentures.[1] The supply of grain upon which they were fed was obtained from the tenants in the form of rent, or from the savages as tribute. In the spring of 1617 the area in tobacco was probably extended; it was now cultivated in the streets, and even in the market-place of Jamestown.[2]

The first act of Argoll, who displaced Yeardley in the government, was to take possession of the granary in Charles Hundred and convert its contents to his own use, an act which was characteristic of the whole of the latter part of his administration.[3] A short time after he assumed control in Virginia, he wrote to the authorities of the Company in England that great abundance prevailed in the Colony, and that the people were in a state of peace and contentment. In addition to large supplies of grain, there were one hundred and twenty-eight kine, eighty-eight goats, and hogs in great numbers. Argoll, in the

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 65.

[2] *Works of Capt. John Smith*, p. 535.

[3] *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 78.

beginning of his official tenure, seems to have adopted measures to extend this favorable condition of agricultural affairs. Every tenant was required to cultivate two acres in grain under penalty of forfeiting his crops, and being reduced to slavery in the public service. Tradesmen were exempted from the binding force of this provision. Argoll sought to obtain an ample quantity of food for the cattle in the rigor of the winter season by prohibiting the use of hay in the preparation of the tobacco for sale; at this time it was the custom to pass the leaves through a period of sweating by throwing them into piles, and covering them with the long grass which had been cut in the surrounding marshes. The best tobacco, under a regulation adopted by Argoll, was not to be sold at a lower rate than three shillings a pound; and to compel the observance of this regulation, three years' service for the benefit of the Colony was imposed upon any one who violated it.[1]

In the following and closing year of Argoll's administration, the cultivation of English wheat was attempted, thirty or forty acres being sown in this staple, but in consequence of the delay in harvesting it, much of the grain became overripe, and fell to the ground and was lost. What remained was placed in the barn erected for the protection of the kine in the time of Dale, where it was devoured by the rats and cattle.[2] A part of the ground in which this crop of wheat was produced had been broken up by the plough.[3] Only one implement of this character was to be found in the Colony in a condition to be worked; there were a sufficient number of steers to serve for draft, but there was a lack of irons,

[1] For these particulars, see *Randolph MSS.* in Supreme Court (U.S.) Library, ch. 23, No. 221. [2] *Works of Capt. John Smith*, p. 538.
[3] *Randolph MSS.*, vol. III, pp. 142, 143.

which were especially needed in the virgin soil wherever ploughs could be used, because the ground was full of obstructions destructive to implements unprotected by tips and shares. Harness for the steers was also required, by which plough chains were probably meant.[1]

The crops of grain and tobacco were during the summer of this year seriously injured by a severe drought, which was followed in some places by a heavy storm of hail that was still more destructive. The elements, however, were not so ruinous to the prosperity of Virginia as the rapacious spirit of Argoll. Instead of permitting the colonists, whose terms of service had expired, to go free, a right to which they were entitled from the beginning of his administration, he set them upon his own employments, giving liberty only to the few who were able to pay him an extraordinary amount in tobacco for their release.[2] He withdrew the laborers from the common garden, which had been the source of large revenue to the Company, and directed them to his own purposes. The grain that ought properly to have been devoted to the public use alone, a part of which use consisted in furnishing a supply to persons who had recently arrived, was expended by him entirely in sustaining his private servants. The public cattle, which like the grain was intended in great part to be distributed among the new comers, thus offering strong inducements to persons in England to emigrate to the Colony, were either killed by him with a view to the disposition of the hides to his own profit, or they were sold to the tenants and planters. By allowing sailors and masters of ships, as well as passengers, to purchase most of the tobacco and all of the

[1] *Works of Capt. John Smith*, p. 538.

[2] *British State Papers, Colonial*, vol. III, No. 21, I ; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 78.

sassafras produced in Virginia, the sales being probably made in a majority of instances by himself, as he had drawn into his own hands all the resources of the Colony, the object for which the magazine was established, and upon the success of which the welfare of the population was so dependent, was practically frustrated.[1] When he absconded from Virginia in 1619, by the connivance of his patron, the Earl of Warwick, the leader of the faction which was to be so bitterly hostile to the new government, he left the Colony in a state of thorough exhaustion, although its prosperity would have been assured had it been maintained in the condition to which the firm and sagacious administration of Sir Thomas Dale had raised it. The area of ground known as the common garden had fallen into complete neglect, and was doubtless already springing up in that thick array of bushes which, as was observed, had overgrown the deserted fields at Paspaheigh. There were no tenants or servants at work for the Company. No stores of corn were to be found resembling the granary at Charles Hundred which Argoll had appropriated when he arrived in Virginia. The Indians had ceased to furnish a supply of grain by way of tribute. The maize obtained from the tenants and savages, as we have seen, amounted to twelve hundred bushels annually previous to the administration of Argoll. It had now fallen off apparently to nothing. Beginning his control of the affairs of Virginia with the strict enforcement of the regulation that every cultivator

[1] See letter from a committee of the Company in England printed in the *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 31. It is a fact worthy of attention that this letter, which was expressed in terms of the strongest indignation, was signed by Thomas Smith, Lionel Cranford, and Robert Johnson, who were so soon to be associated with the faction of which Argoll was to become a prominent member.

of the ground should plant two acres in grain, he ended with this regulation in entire abeyance. The lack of corn became so great in consequence of the exclusive attention paid to the culture of tobacco, that there would have been ground for anticipating a severe famine if two hundred quarters of meal had not been imported in the magazine. The only portion of the public stock of animals still unsold or unslaughtered were six goats.[1] All this destruction or dispersion of property had been caused by Argoll without the receipt on the part of the Company of a penny in compensation. The only public property that they could recover was the cattle he had sold, and which still remained in the Colony. Instructions were given to Delaware, when he set sail for Virginia, to drive together all the bullocks, cows, and steers distributed among different purchasers, and to preserve them for the public use; the tobacco and goods in the possession of Argoll were to be seized, as a partial indemnity for the gross injury he had inflicted upon the interests of the Company. Delaware died before he could perform this mission.[2]

The arrival of Sir George Yeardley in 1619 is the starting-point of a new era in the history of the Colony, which is hardly less impressive in its agricultural than in its political aspects. The first six months of his administration are among the most memorable in the history, not only of Virginia, but also of America. It was during this period that the earliest representative body that came together on this continent assembled.[3] The erection of this

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 65.

[2] London Company to Delaware, Neill's *Virginia Company of London*, p. 119.

[3] A full account of this assembly, with biographies showing the pre-

local legislature had the most beneficial influence on the agricultural interests of the Colony, as it was composed of burgesses who had a personal knowledge of the agricultural needs of Virginia. Among its principal enactments were laws with reference to grain and tobacco, silk and vines. The same brief interval saw the introduction of the negro slave, who in time was to become the principal agricultural laborer of one-half of the United States. It also saw, what was more important in its immediate consequences, the extension of an absolute freedom to those persons among the colonists who had come into Virginia during the previous administrations, and had been detained beyond their legal time in the service of the Company. The right of acquiring property in fee simple was now freely granted. Every one of the "ancient" planters[1] became entitled to what was defined as a dividend, the term applied to a certain area of soil. William Spencer and Thomas Barret, who had been the first to go forth as farmers under the regulation adopted by Sir Thomas Dale, were now the first to choose the lands which they were to hold in absolute ownership. The conversion of a common laborer into a farmer had, as we have seen, an immediate effect in stimulating the industry of that large section of the population who were chosen to be the beneficiaries of the provision as to the conditional tenure. Far more powerful was the influence of a fee simple title upon those who received this invaluable gift on account of their long connection with the Colony; it is stated that a strong

vious history of each member, will be found in William Wirt Henry's "First Legislative Assembly in America," in *Virginia Magazine of History and Biography*, vol. II, p. 55. This article has also been printed in *American Historical Association Publications*.

[1] An "ancient" planter was one who had come into the Colony previous to the final departure of Dale in 1616.

rivalry at once sprang up among them as to which one should excel in building and planting.[1]

When private ownership in the soil in fee simple became general, one thousand acres were reserved for the maintenance of the ministers of the gospel in Virginia, three thousand for the support of the Governor, and ten thousand for the endowment of the university which was projected for the education of the Indians. For its own use the Company retained twelve thousand acres, in anticipation that the remaining parts of the country would be gradually taken up under patents by colonists who would pay a small quit-rent in return. The lands reserved for the Governor, the ministers, and the university were situated on the northern side of the Powhatan, and extended from Henrico to the Falls. The lands appropriated for the special use of the Company consisted of four apportionments of three thousand acres respectively, there being one apportionment in each of the four boroughs, beginning with Kecoughtan and ending with Henrico. The principal purpose sought in this general arrangement was to assure for the officers in Virginia a certain maintenance without the need of any reliance upon the resources of the Corporation in England. Whenever a new office was established, a certain number of acres

[1] *Works of Capt. John Smith*, p. 542. As I have already pointed out, the petition of the Assembly of 1619 to the Company in England shows very conclusively that patents to land in fee simple had been already granted to a few persons; first, it is possible, to the emancipated laborers of Charles Hundred in 1616, and afterwards by Argoll to those among the servants of the Company who were able to make extraordinary payments for their freedom and for allotments of land. The number of persons, however, in the enjoyment of a fee simple tenure when Yeardley began his administration, must have formed a very small proportion of the whole body of laborers and tenants. What the real number of these persons was, it is impossible to say. The information which the authorities give is only of a general character.

were attached to it. Thus when Thomas Nuce was appointed in 1619 the superintendent of the Company's lands, twelve hundred acres were assigned to him as a means of paying his salary. Six hundred acres of this allotment were situated at Kecoughtan, four hundred at Charles City, one hundred at Jamestown, and one hundred at Henrico; these were the four boroughs in which the lands of the Company had been laid off, and it was expected that Nuce in superintending its property would also overlook that belonging to his own office. To the Treasurer, the Marshal, and the Cape Merchant respectively, who bore heavy responsibilities, fifteen hundred acres were granted; to the Physician and Secretary, five hundred acres each, and to the Vice-admiral, three hundred. An assignment of one thousand acres was made for the support of the master and usher of the East India School.[1]

The apportionments of land would have been worthless if no provision had been made for their cultivation. A system of leases in consequence was adopted. To the Governor one hundred tenants were allowed; to the Treasurer and Marshal, fifty each; to the superintendent of the Company's lands, forty; to the Secretary and Physician, twenty apiece; and to the Vice-admiral, twelve. Each one of these public officials, when his tenure ceased, was required to transmit to his successor the whole number of tenants who were by law attached to his office. It was the intention of the Company that each one should receive such an area of land and such a number of servants as would be sufficient to afford him an ample support as well

[1] Instructions to Yeardley, 1618. See *Virginia Magazine of History and Biography*, vol. II, pp. 154–161; *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 12, 63, 151, 152; Hening's *Statutes*, vol. I, p. 115.

as to sustain the dignity of his position.[1] The plan was in large measure carried into practical effect. When Sir George Yeardley sailed from England in 1619 to assume control of the government of the Colony, he was accompanied by fifty tenants for the tillage of the lands assigned to his office, these persons being transported at the expense of the Company, but furnished with supplies at his own charge.[2] As the outlay in sending passengers directly to Virginia was very heavy, there being at this time no freight to be brought back by the same vessel to England, the ships engaged in the Newfoundland fisheries were employed to convey the tenants to the Colony, stopping there on their way to the waters of the North.[3] In the interval between April, 1619, and May, 1620, eighty additional tenants were dispatched to be placed on the lands of the Governor, one hundred and thirty on the lands of the Company, one hundred on the College lands, and fifty on the Glebe. To ensure the contentment of those among them who were without wives, young women were imported to be married to them, this shipment being as much a speculative venture on the part of the stockholders in England who subscribed to it, as if the maidens had been so much unconscious merchandise. Hardly less important were the large number of boys who were forwarded to Virginia, during the same period, to serve as apprentices in husbandry to the tenants.[4]

The terms of the agreement which the Company entered

[1] *Works of Capt. John Smith*, p. 543; Hening's *Statutes*, vol. I, p. 115; *Abstracts of Proceedings of Virginia Company of London*, vol. I, pp. 63, 151.

[2] *Abstracts of Proceedings of Virginia Company of London*, vol. I, p. 22.

[3] *Ibid.*, p. 23.

[4] *Ibid.*, pp. 66, 67, 138. See also Company's Letter, dated Aug. 21, 1621, Neill's *Virginia Company of London*, p. 233; also Company's Letter, dated Sept. 11, 1621, *Ibid.*, p. 245.

into with the tenant on the public lands, were in great measure the same as those which had been formulated by Dale a few years before under similar circumstances. He was transported to Virginia free of expense to himself, and after his arrival he was provided with victuals for twelve months, and for the same length of time was supplied with apparel, weapons, tools, and implements. in addition, he was presented with a certain number of cattle. As a return for these benefits, the tenant was expected to pay to the Company one-half of his annual crops, and to remain in its employment for seven years, at the expiration of which interval he was at liberty to renew the contract or to remove to land which had been granted to him as a dividend.[1]

The reports as to the operation of this system of tenant right are contradictory. In a letter to the Company in England, the Governor and Council in Virginia went so far as to say that the persons who worked on half shares, with the exception of those who were attached to the College lands, found themselves unable even to earn food sufficient for their needs during three months of the year.[2] This was probably an exaggeration. In the extent to which it was accurate, it was explained in large measure by circumstances which it was impossible for the tenants to control. Many are said to have had just ground for complaint in the fact that they were assigned to cleared lands worn out by a course of cultivation prolonged over a number of years, and which were, therefore, in no condition to bring forth a profitable crop of tobacco.[3] Pory

[1] A Declaration of the State of the Colonie, pp. 13-15, Force's *Historical Tracts*, vol. III.

[2] Printed in Neill's *Virginia Company of London*, p. 370.

[3] George Sandys to John Ferrer, *British State Papers, Colonial*, vol. II, No. 27; *Sainsbury Abstracts for 1623*, p. 88, Va. State Library.

openly asserted that the officers of the Company made an improper use both of their tenants and the tenants' servants. The servants were taken away from their masters and removed by the officers to their private estates, while the tenants themselves were kept so constantly engaged in rowing the officers to and fro between Jamestown and the lands assigned to the different official positions, lying some near the mouth of the river and some near the Falls, that it was not in their power to pay the rent expected of them.[1] In spite of these obstacles, which were probably not quite as great as Pory represented them to be,[2] there is reason to think that a fair proportion of the tobacco shipped from Virginia to England in the short interval before the massacre, had been raised by tenants who were seated on the public domain. The *George*, which arrived in England in March, 1622, was loaded in great part with a cargo that was the product of the lands assigned by the Company to the College and Treasurer or reserved

[1] *Works of Capt. John Smith*, p. 571. The following extract from a letter written by the Governor and Council of Virginia to the Company in England in January, 1621 (O. S.), presents the conduct of the officers in a more favorable light. "Yt being a matter of difficultie to finde out on the suddaine such a convenient place for the seating of the Tresurers Tenants as in our judgments we thought requisite, and that would have much endangered the help of his people, and beine the means of the certaine loss of his next year's crepp to have kept them long without employment, about James Cyttie, Mr. Treasurer was out of necessitie enforced to purchase for himself out of his own private Estate, two hundred acres of Lande, being the divident of a private planter, for the present employment of his people where they are yett remayninge . . . the like course wee propose to take for the land and Tennantes belonging to the place of Physitian who onto of the like necessitie was faine for the present to give certain closes and clere ground for the employment of his people not far from James Cyttie." Neill's *Virginia Company of London*, p. 281.

[2] See, however, in support of his statements, Company's Letter dated July 25, 1621, Neill's *Virginia Company of London*, p. 230.

for itself.[1] The amount of rent exacted of the tenants was undoubtedly too large, being very much in excess of that which was required of the farmers during the administration of Dale. So unsatisfactory did the working of this rate prove to the Company, and so much discontent did it breed among the tenants themselves, that in 1622, barely three years after the original provision, the Governor and Council in Virginia were instructed to modify it. By the old regulation, the tenant was to transfer to the Company one-half of the crops of his fields, but if the harvest failed, he was relieved of responsibility; by the terms of the new, he was to settle his rent by delivering twenty bushels of grain, sixty pounds of tobacco, and one pound of silk. In addition, he could be required to give his labor to the public works for six days. In order to ensure the performance of these conditions, at least three tenants were made to live together, each one being bound for the payment of the specified rent.[2]

It is interesting to note the different implements which the Company provided for the tenants who were sent to Virginia to cultivate the public lands. The allowance seems to have been made on the basis of a family of six persons. It consisted of five broad and five narrow hoes, three shovels, two spades, two hand-bills, two broad and five felling axes, two hatchets, two steel saws, two handsaws and one whipsaw, two hammers, two augers, two piercers, six chisels, three gimlets, two frows, two pickaxes, one grindstone, and nails of many sizes. The stern conditions which were to confront the tenant on his arrival were indicated in the arms furnished him for pro-

[1] *Abstracts of Proceedings of the Virginia Company*, vol. I, pp. 171, 195.

[2] Company's Letter, dated Aug. 1, 1622, Neill's *Virginia Company of London*, pp. 329, 330.

tection ; these were one suit of light armor, a long gun, a sword and belt, a bandoleer, twenty pounds of powder, and sixty pounds of shot and lead.[1]

When Yeardley assumed control of affairs in Virginia, the Company, with a view to increasing the production of other articles, required that there should be inserted in all formal grants of land a covenant that the patentees should not apply themselves either wholly or principally to the culture of tobacco, but should divide their attention among a number of commodities carefully specified in each deed. These commodities consisted in part of agricultural products, that is to say, Indian corn, wheat, flax, silk-grass and wine, a portion of which, as we have seen, England was anxious to be able to purchase in the Colony, in order that she might escape the heavy charges of the continental merchants, as well as to avoid all possibility of an interruption in her supply.[2] As a further provision to ensure a permanent diversion from tobacco as the exclusive crop of Virginia, it was proposed that the only payment that the Company should receive from the planters for the servants to be sent them should be in the form of the commodities named.[3] As laborers were so much needed by the colonists, it was anticipated that this

[1] *Works of Capt. John Smith*, p. 608. The following entry is found in the *Records of Lower Norfolk County*, Sept. 2, 1646, vol. I (see the inventory of the estate of Philip Felgate): "an old cross bowe, an old cibron, a suite of black armour, an head piece of white armour." These may have belonged to one of the Company's tenants originally. My attention was called to this entry by Mr. Edward W. James, the well-known antiquarian of Norfolk, Va.

[2] Orders and Constitutions, No. cxiv, Force's *Historical Tracts*, vol. III. See also Declaration of the State of the Colonie, p. 10, Force's *Historical Tracts*, vol. III.

[3] Declaration of the State of the Colonie, p. 14, Force's *Historical Tracts*, vol. III ; *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 92.

would be highly promotive of a larger cultivation of these commodities. As a still stronger inducement, the planter who excelled in their production was to be allowed the privilege of being the first to make a choice among the apprentices and indented servants to be forwarded by the Company. A committee of merchants were to be appointed, who, from their particular knowledge of the value of the commodities to be fostered, could establish a schedule of rates at which these commodities could be sold in the English markets with profit by the planters of Virginia; this schedule was, however, hardly expected to include maize or wheat, as the reason for encouraging their production was to provide an abundance of grain for the Colony itself.

At the beginning of 1619, the commodities shipped from Virginia were confined to tobacco and sassafras. It was denied at the time that this was to be attributed to the planters. It was said that as the mass of products had to be deposited in the magazine for exchange, it lay in the power of the presiding director, who happened to be a trader, to exclude all but those which he wished to pass, by declining to fix any price upon them. This, it was urged, had been done by Alderman Johnson, who was the principal purchaser from the Company of the sassafras and tobacco imported into England, and who was, therefore, interested in the enlargement of the production of these articles, a result only to be accomplished by the suppression of all efforts to vary the commodities of the Colony. It was to remove this condition that the Company proposed to adopt a general schedule.[1] The prefer-

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 92. Sir Edwin Sandys suggested that "a committee of merchants, skilful in these particular commodities, might be appointed to set such indifferent good rates and prices upon them now at first as might not only

ence shown for tobacco, as will be pointed out later, lay deeper than any scheme of a designing alderman to give it the first importance by making it the only profitable crop for cultivation. Whether or not the members of the Company, who had control of its administration in 1619, recognized the force of the economic reasons causing that plant to be the most lucrative crop, they displayed great earnestness in carrying out the well-known wishes of the King, going so far as to send a treasurer to Virginia, who was not only to collect all that was due the Company in the form of quit-rents, a new source of revenue created by the subdivision of the public lands, but also to see that the instructions as to the degree of attention to be paid to the staple commodities be put in force by the authorities; an indication that it was anticipated that even the public officers of the Colony would be reluctant to subordinate the cultivation of tobacco to that of the other products of the soil.[1]

It will be interesting to inquire in some detail as to the steps which were taken to promote the cultivation of the staple commodities. One of the earliest laws passed by the first Assembly that met in the Colony, the Assembly which Yeardley summoned in 1619, provided that every householder should reserve in store a barrel of Indian corn not only for himself, but also for every servant in his employment, but this grain was to be used only in case their necessities compelled it. The planter who had arrived in Virginia in the course of the previous twelve months was exempted from the scope of this law.[2]

make the Company here savers thereby, but give the plantation also better encouragement to raise and improve the same abundantly by their industry and labor."

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 112, 119.

[2] *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 21.

Yeardley seems, during the first year of his administration, to have given special attention to the cultivation of grain with a view to removing all prospect of a famine. To such an extent did he neglect the cultivation of tobacco during this period, that he thought it advisable to explain his motive to the Company in England, thus showing that its members had not determined to diminish very materially the amount of that commodity to be produced in the Colony.[1] Yeardley appears to have been very successful with the wheat he sowed very soon after his arrival. It was reported in England that he had secured two harvests from the same field in the course of the same season, the second of which had sprung from seeds shaken to the earth by the wind as it passed over the heads of the preceding crop. After this second crop of wheat had been reaped, the ground was planted in Indian corn, from which there was an abundant yield in the autumn. It is quite certain, however, that the Indian corn had to be gathered before it had fully matured, there being hardly an interval of three months between the time when the second wheat harvest took place and the arrival of frost. It was said that the ground was of such extraordinary fertility, that the maize planted in it germinated and sprang up into stalks with great rapidity. The statement as to the second growth of wheat has its only satisfactory explanation in the fact that in the seventeenth century the process of cutting this grain was so prolonged, owing to the use of sickles and hooks, the only implements at this time employed, that a considerable part of a crop standing upon a field of some extent became overripe before the harvest was completed and fell to the ground. When a second crop was reaped from the same field in the

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 11.

course of the same year, it consisted generally of barley that had been sowed in July in the soil from which English wheat had been removed, the barley being harvested in October before the frost had had an opportunity of blighting it.[1] When, in 1619, Rolfe was repudiating the scandalous depreciation of Virginia by its enemies, the first information as to which had been brought over by Governor Yeardley himself, he declared that the production of English grain in the Colony, instead of being at the rate of sixteen bushels an acre, as the persons who opposed the prosperity of Virginia asserted, had often amounted to thirty bushels.[2] Hamor had remarked on the superior character of the wheat grown in the Colony, one grain multiplying to forty grains, and the head of the blade often being a span long. The barley, in his opinion, was as fine as any seen in England.[3]

The chief obstacle to overcome in the beginning in the production of wheat was the excessive fertility of the lands at this time under cultivation. Wheat sowed in fields recently cleared of woods showed an enormous development in the stalk, but a stunted growth in the grain ; to secure a satisfactory crop from new grounds, it was always necessary to precede it by a crop of tobacco or maize, which reduced the fertility of the soil. The character of the wheat seems to have gradually deteriorated until it failed to give satisfaction as seed. In January, 1621–1622, the Governor and Council wrote to the Company in London to request that a supply should be sent to the Colony to be sown, the annual crop in Virginia

[1] For these particulars, see *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 44 ; Virginia Richly Valued, p. 13, Force's *Historical Tracts*, vol. III ; Bullock's *Virginia*, p. 9.

[2] *Works of Capt. John Smith*, p. 541.

[3] Ralph Hamor's *True Discourse*, p. 22.

having hitherto been raised from grain originally brought from Canada, but which had become puny and defective from continued improper cultivation. They also asked that the seed should be transported in the chaff, and in the passage across the ocean should be kept between decks. None was to be forwarded that was older than the last harvest. From the same source, it is learned that the amount of barley and oats produced in Virginia at this time was so small as to be unworthy of consideration. In compliance with the request of the authorities of the Colony, the Company at a general court made provision for dispatching to Virginia a pinnace containing not only wheat and barley, but also garden seeds and scions of fruit trees.[1]

Among the staple commodities which Yeardley was directed by the Company to promote was flax, one of the indigenous products of the Colony; every family was required to cultivate one hundred plants, and the Governor himself five thousand. The Assembly of 1619 passed a law to enforce this provision, and further declared that if flax should be shown to be a ratable commodity, the number of plants which each family was expected to raise would be increased.[2] In 1622, Pory, the Secretary of the Council, forwarded to England specimens cultivated under the Company's instructions, and they were pronounced by experts to be as excellent in texture as the flax from which the celebrated Cambaya stuffs were woven.[3] The

[1] Neill's *Virginia Company of London*, pp. 275, 276; *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 129. The wheat had been brought from Canada by Argoll. See letter of Molina to Gondomar, Spanish Archives, Brown's *Genesis of the United States*, p. 742.

[2] Lawes of Assembly, 1619, *British State Papers, Colonial*, vol. I, No. 45; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 21.

[3] London Company to Governor and Council of Virginia, June, 1622, Neill's *Virginia Company of London*, p. 304.

Company was still more solicitous that the culture of the silk-worm should be introduced into Virginia. There was an essay in this culture during the few years Smith resided in the Colony, which he asserted was only prevented from being successful by the sickness of the master workman, in consequence of which no precautions were taken to protect the worms from the rats.[1] Reference has already been made to the importation of silk-worms in the time of Dale, which, as the result quite probably of the destructive course pursued during the administration of Argoll, ended in failure. The King was especially interested in the production of silk in Virginia. About 1607 a large number of weavers and throwsters from the continent had settled at Spitalfields and Morefields near London, with a view to establishing the silk industry in England, and the English Government was very anxious to extend them in their trade all the encouragement in its power. It would have been an advantage of the highest importance to them had they been able to secure their raw material relieved of the large profit obtained by foreigners in furnishing it; and it was also very desirable that there should be no interruption in the course of receiving their supply, a condition which could not be controlled when the producers of the raw material were foreign nations. In 1608, the first mulberry tree was planted in England, and King James himself entered actively into the cultivation of the silk-worm. The discovery of the mulberry in Virginia in such great numbers excited from the beginning the very reasonable hope that the Colony would in time produce large quantities of raw silk. At the first session of the House of Burgesses in 1619, the members, acting upon the instructions of the Company, passed a law that every man should

[1] *Works of Capt. John Smith*, p. 56.

plant annually six mulberry trees during a period of seven years.[1] It was afterwards declared that a large number of the mulberry trees bore so many leaves that each tree would nourish a sufficient number of worms to produce silk to the value of five pounds. The vine-dressers soon began to plant mulberry slips, their example being imitated to some extent by the colonists.[2]

With a view to promoting an interest in silk culture, the Company were at pains to have the most approved works on the silk-worm translated into English and forwarded to the Colony for general distribution. Mr. Bonoel, the superintendent of the Royal Silk Establishment, composed a special treatise at their suggestion, in which he pointed out the proper manner of constructing rooms for silk-worms, as well as of planting mulberry trees. The treatise was published and many copies sent to Virginia, to which a large quantity of silk-worms were also dispatched from the royal collection in England.[3] In 1620, a store of silk-worms were procured from Italy and Spain, and steps were also taken to obtain a supply from France. The Company secured an expert who had been an apprentice of one of the men employed in the Royal Silk Establishment, where he had been carefully trained by his master. The latter was allowed twenty pounds sterling in consideration of the release of this apprentice

[1] Lawes of Assembly, 1619, *British State Papers*, vol. I, No. 45; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 21.

[2] New Description of Virginia, pp. 6, 7, Force's *Historical Tracts*, vol. II; *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 168; Letter of Governor and Council of Virginia to the Company, January, 1621–22, Neill's *Virginia Company of London*, p. 275. At the session of the General Assembly held in 1621, the destruction of mulberry trees in clearing new ground was expressly prohibited. *Ibid.*, p. 275.

[3] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 99, 148.

with a view to his transportation to Virginia, and in further return for so large a sum, the master bound himself to instruct other apprentices in the art of silk culture in order that the Company might in the future have the benefit of their knowledge.[1] In the following year provision was made for obtaining a large supply of silkworm seed from St. Valencia, which enjoyed the reputation of producing worms that prospered in other climates besides their own.[2] Raw silk previous to this time had sold in England for thirteen shillings and four pence a pound, and silk cods for two shillings and six pence, but in this year raw silk advanced to twenty-eight shillings.[3]

The massacre by the Indians had as disastrous an influence upon silk culture as it had upon the other industries of the Colony. So far as can be discovered, the actual production of this material previous to that event had amounted practically to very little, but this might well be due, as was claimed, to the fact that silk culture in Virginia had not yet passed the first stage of development. After the massacre, George Sandys, who as Treasurer was required to see to the enforcement of the Company's instructions as to the staple commodities, earnestly strove to restore the culture of silk to the footing which it had occupied when it was so suddenly interrupted. He placed the silk-men at Elizabeth City, a place but little exposed, and compelled them to confine their attention to silk husbandry. A room for the worms was prepared at Lieutenant Pierce's, which was considered to be the most

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 99.

[2] *Ibid.*, p. 137. See Company's Letter, dated Sept. 11, 1621, Neill's *Virginia Company of London*, p. 241.

[3] Virginia Richly Valued, p. 51, Force's *Historical Tracts*, vol. III.

suitable for this purpose to be found in the Colony.[1] The period of service for which some of the silk-men were bound expiring, Sandys addressed a letter to Mr. Wrote in England, urging him to obtain from the superintendent of the Royal Silk Establishment two Frenchmen who were trained in the art of silk-making. He offered to pay such experts as annual wages, either twenty marks in coin, or tobacco to the value of twenty pounds sterling, and in addition, furnish all of their meals. Sandys admitted with evident regret that the planters in Virginia were so much absorbed in erecting houses and planting tobacco, that they showed no interest in silk culture.[2]

The effort to manufacture wine in the Colony began as early as the attempt to produce silk, and was, as in the instance of silk, prompted by a desire on the part of the English people to escape the heavy charges imposed by foreign importations. During the brief period of Smith's residence in Virginia, the abundance of the wild grapes in the natural hedges had led the colonists to convert this fruit into wine, although the appliances in possession of the settlers for doing so must have been of the rudest nature. On a later occasion, a quantity, amounting to twenty gallons at least, was manufactured, and it was thought to resemble the French wines in flavor.[3] Francis Maguel, who was in the Colony in 1609, declared that the wines expressed from the grapes of Virginia reminded

[1] George Sandys to John Ferrer, *British State Papers, Colonial*, vol. II, No. 27; *Sainsbury Abstracts for 1623*, p. 89, Va. State Library. These worms had very probably been raised from the eighty ounces of seed which the Company had sent to Virginia in September, 1622. See Declaration of the Present State of Virginia, *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 149.

[2] Letter of George Sandys to Samuel Wrote, March 28, 1623, Neill's *Virginia Vetusta*, pp. 127, 128.

[3] Strachey's *Historie of Travaile into Virginia*, p. 120.

him of the Alicante which he had drunk in Spain.[1] The poor returns from the experiments of Delaware and Dale do not appear to have discouraged the Company in England. In 1619, they dispatched to Virginia several French vine-dressers with many slips of the finest vines that Europe afforded. These vine-dressers reported that the grapes of the Colony far excelled those of their native Languedoc, not only in abundance but also in variety; that the fruitage of one variety was so large that they refused to believe that it was the grape until they had opened the skin and examined the contents; and that they had planted their cuttings at Michaelmas, and obtained grapes from them in the following spring.[2]

The Assembly of 1619 showed as much solicitude in encouraging the cultivation of the vine as of the mulberry tree; every householder was compelled by law to plant ten cuttings and to protect them from injury, and at the same time was expected to acquire the art of dressing a vineyard, either by special instruction, or by personal observation.[3] The Company was so much interested in the promotion of vine culture, that marked favor was shown to all who undertook it with zealousness. Mr. Whitaker, a leading planter, was so energetic in advancing this as well as other measures of great benefit to the Colony, that it was promised that two servants should be sent him, the most valuable gift which could be made at this time. The Governor of Virginia had already bestowed upon him a reward in the shape

[1] Report of Francis Maguel, 1610, Spanish Archives, Brown's *Genesis of the United States*, p. 395.

[2] Beverley's *History of Virginia*, p. 107.

[3] Lawes of Assembly, 1619, *British State Papers*, vol. I, No. 45; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 22.

of tobacco, and this present was heartily approved of by the Company.[1] Under the impulse thus given, vineyards were established containing as many as ten thousand plants.[2]

The specimens of wine sent to England reached that country, so far as recorded, in a very damaged condition, and were described as having been a scandal rather than a credit to the Colony. The faults of the wine were attributed at the time to the defective manner in which it was manufactured.[3] The failure of the industry at this period was by some laid at the door of the vine-dressers, who were thought to have concealed their knowledge because they were worked as slaves. This was a merely fanciful explanation.[4] Captain Butler, who visited Virginia in 1622, declared that the efforts of the Company to introduce the vine and the silk-worm into the Colony were regarded with derision by the planters, and that the pamphlets published in England to give them information in their pursuit of these industries were laughed to scorn. These statements were emphatically denied, and the failure of wine and silk culture was attributed to the great massacre, an event which was especially destructive to the vineyards, as they had to be abandoned to the incursions of deer when the settlements were reduced in number.[5] That the assertions of Butler

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 136.

[2] Discourse of the Old Company, *British State Papers*, vol. III, 40. See *Virginia Magazine of History and Biography*, vol. I, p. 159.

[3] London Company to Governor and Council of Virginia, June 10, 1622, Neill's *Virginia Company of London*, p. 303. This letter shows that only one cask was, on this occasion, sent to England, — a "taste," as it was elsewhere described. *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 168.

[4] Virginia Richly Valued, p. 17, Force's *Historical Tracts*, vol. III.

[5] Unmasking of our Colony in Virginia, *Abstracts of Proceedings*

were substantially correct is proved by the statement already quoted, of George Sandys as to the indifference of the planters to these commodities. Sandys seems to have made the same effort after the massacre to revive the culture of the grape as he had done to revive the culture of silk, and in this he was supported by the Assembly, a law being passed in 1623, that for every four men in the Colony a garden should be laid off to be planted in part in vines.[1]

The Frenchmen who were imported into Virginia to superintend the establishment of the vineyards and the manufacture of wine, undertook to test the adaptability of the soil to rice. At the same time, Mr. Gookin, who had settled at Newport's News, planted cotton, which soon grew as large in girth as the arm of a man, and as tall as a man's figure.[2] It was partly his success, and partly the success of others, that led the Governor and Council in March, 1622, to write to the Company in England that they had reason to indulge great hope as to the culture of this staple in the Colony.[3] Not only had the cotton tree, as it was called, of the West Indies been transferred to Virginia, but seeds obtained from the East had also been planted, and they had sprung up and flourished. An attempt was also made to cultivate indigo, but this came to nothing from the ignorance of the colonists as to the proper manner of curing it.[4]

of the Virginia Company of London, vol. II, p. 171. For the Answer, see *Ibid.*, pp. 178, 179.

[1] Lawes and Orders of Assembly, Feb. 16, 1623, *British State Papers, Colonial*, vol. III, No. 9; *McDonald Papers*, vol. I, p. 97, Va. State Library.

[2] *Works of Capt. John Smith*, p. 565.

[3] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 168.

[4] Purchas' *Pilgrimes*, vol. IV, pp. 1784, 1786.

The number of cattle in Virginia in 1620 was thought to be five hundred at least. The native breed at this time was pronounced by one observer to be much larger than the English stock from which they sprang, but this was probably an exaggeration, as the lack of provision in winter, which at a later period did so much to diminish the size of all domestic animals, must have had a perceptible effect even at this early day. A majority of the cattle in the Colony in 1620, however, were derived very recently from European blood, and therefore had not long been exposed to the influences that were to stunt the bodies of their descendants. The description of the native horses is fully in keeping with the character of the Virginian stock of a later age; they are said, with some exaggeration probably, to have been, at this time, more beautiful in form and more active in spirit than the English animal.[1]

The Company showed the strongest desire to increase the number of live stock in the Colony. In 1619, Sir Edwin Sandys proposed at a quarter court that twenty heifers should be sent over for every one hundred tenants exported. This would have amounted in that year alone to sixty head. The charge for conveying cattle to Virginia was very heavy. It was suggested that the expense might be materially reduced by entering into a contract with the shipping employed in the Northern fisheries. The sum necessary for the purchase of a heifer, and to meet the cost of her transportation, was ten pounds sterling, representing approximately two hundred and fifty dollars in the currency of the United States. At this time it required only the expenditure of two pounds sterling less to convey a heifer to Virginia than a man. In February,

[1] Declaration of the State of the Colonie, 1620, p. 5, Force's *Historical Tracts*, vol. III.

1619, the ship *Tryal* set out with sixty kine on board, and in the same month the *Faulcon* sailed, having fifty-two kine and four mares as a part of her cargo; of the one hundred and two animals sent in these vessels, ten died on the voyage, but the original number was made up by the birth of ten calves during the same length of time. At a meeting of the Company, July 7, 1620, it was proposed to transport to Virginia one hundred kine for the use of the tenants who then expected to go over, and one hundred more to be distributed among the planters who had recently arrived in the Colony. Four hundred goats were to be obtained from Wales and eighty asses from France, and these, with twenty mares, were also to be forwarded; the charge to be made for the goats was stated to be three pounds and ten shillings a head; for the asses, seven pounds and ten shillings; and for the mares, fifteen pounds sterling.[1]

One of the persons contracting with the Company at this time to transport cattle to Virginia was Thomas Wood, who was disposed to complain because that body declined to pay him more than eleven pounds sterling for each cow delivered in the Colony, and three pounds and ten shillings for each female goat. He was not to receive these sums until he could present a certificate from the Governor in proof that he had performed his part of the agreement. The original rate had been twelve pounds for each cow, the lowest that would not in his opinion entail a loss. It was carefully stipulated that the cattle should be fine and sprung from English breeds.[2] Special

[1] For these particulars, see *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 23, 66, 83, 87. For prices of cows, heifers, etc., in England at this time, see Rogers' *History of Agriculture and Prices in England*, vol. V, pp. 333, 334.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 96. Wood seems to have been the agent of Gookin in these contracts

privileges were granted to Mr. Gookin for transporting cows and female goats to Virginia. Under ordinary circumstances, any one who conveyed cattle thither and exchanged them for the commodities of the country had to accept these commodities at the rates which the Company prescribed; Mr. Gookin was exempted from the operation of this regulation, being permitted to barter at such prices as were satisfactory to himself. As soon as the Company were informed that his first cargo of live stock had arrived in safety, they addressed him a letter in which they offered one hundred pounds of tobacco for every head of cattle that any person should import into the Colony.[1]

The successful contract with Mr. Gookin seems to have been the beginning of an important trade in cattle between Ireland and Virginia.[2] This trade was threatened by the royal order issued in 1621, that all the tobacco produced in the Colony should be brought to the mother country first, even when the intention was to dispose of it elsewhere, the object of this order being to secure the customs on the leaf which the planters were at this time offering for sale in Holland, as England did not furnish a sufficient market. The order also touched the exchange of tobacco in Ireland for the cattle and other necessaries that the people of Virginia were now procuring from that

as to cattle. See extracts from the Company's proceedings, printed in Neill's *Virginia Company of London*, p. 196.

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 133, 168.

[2] In the time of James the First, a large proportion of the surface of Ireland was converted into pasture land, on which an enormous number of neat cattle were raised. It was calculated that in the year 1620 one hundred thousand head were imported into England alone, where they were sold at rates ranging from forty to sixty pounds sterling apiece. Cunningham's *Growth of English Industry and Commerce*, p. 139.

country.[1] This trade, however, was not as much affected as the Company anticipated. In the following year, several Irish gentlemen are found inquiring as to the rates at which they would be permitted to sell cattle in the Colony, and were informed that for every heifer they landed there in sound condition, they would receive eleven pounds sterling, or one hundred and thirty pounds of tobacco at their option. This was on the whole a fair price.[2] Only female cattle appear to have been imported at this time, there being a sufficient number of steers and bullocks in Virginia to serve the few purposes for which they were required. A cow was now valued in the Colony at fifteen pounds sterling.[3]

It is hardly possible that half a dozen ploughs were now going in Virginia in spite of the previous attempt of the Company to secure plough-wrights by public advertisement. The need for them had, however, increased, and in consequence, a request was forwarded to England by the Cape Merchant that the want should be supplied, either by sending over the implements themselves, or persons capable of manufacturing them.[4] John Rolfe complained that there was not a carpenter in the Colony who could build a cart or make a plough, and that even if carts and ploughs had been numerous, there were lacking men skilful in their use, and informed as to how to train cattle to draw them.[5]

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 143.

[2] *Ibid.*, p. 169.

[3] Certificate of Thomas Gibbs and Samuel Wrote, *British State Papers, Colonial*, No. 5, July 2, 1629; *McDonald Papers*, vol. II, p. 13, Va. State Library.

[4] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 13.

[5] *Works of Capt. John Smith*, p. 541.

The close of Governor Yeardley's administration found every section of the planters, who now numbered two thousand persons,[1] in the full enjoyment of the various fruits of their skill and industry. The plenty of these times, following so closely on the dearth and confusion in which Argoll had plunged the Colony, was long remembered. It is stated by one observer of that age, that no happier people were to be found than the population of Virginia at this particular period, the quantity of provisions of all kinds being so great, that every man gave free entertainment to his friends and to strangers.[2] The planters had now an abundance of grain, peas, beans, turnips, radish, parsley, onions, potatoes, cabbage, cauliflower, pumpkins, carrots, parsnips, thyme, savory, hyssop, and lettuce. It was at this time that a second test was made of the adaptability of the soil to such West Indian fruits as figs, lemons, almonds, pomegranates, olives, ginger, sugar-cane, plantains, cassada, and prickly-pears, and some of them probably came to perfection.[3] Wherever land had been recently stripped of woods, it produced, in

[1] Discourse of the Old Company, *British State Papers, Colonial*, vol. III, No. 40. See also *Virginia Magazine of History and Biography*, vol. I, p. 159.

[2] "Briefe Declaration of the Plantation of Virginia," etc., *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 81. See also Discourse of Old Company, *Virginia Magazine of History and Biography*, vol. I, p. 159.

[3] Purchas' *Pilgrimes*, vol. IV, pp. 1785, 1786. "Briefe Declaration of the Plantation of Virginia," etc., *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 82; Nova Britannia, p. 22, Force's *Historical Tracts*, vol. I. See letter of Governor Butler of Bermuda written to Sir George Yeardley in Virginia in December, 1621, *Hakluyt Society Publications for 1882*. This letter is printed in full in Neill's *Virginia Carolorum*, p. 28. See also *Works of Capt. John Smith*, pp. 682, 683. It is stated here that in 1622, two thousand pounds of potatoes, among other things, were shipped to Virginia.

spite of the primitive methods of tillage then prevailing, seven or eight barrels of corn in addition to a barrel of peas and beans, two unusually nourishing vegetables. It was thought by Rolfe, that an industrious man whose attention was not diverted from his work by other occupations, could tend, without imposing too far on his strength, four acres of maize and one thousand tobacco plants. According to the same authority, one man could provide grain sufficient for five men and apparel for two, by the profit which he would derive from the sale of his tobacco.[1] At this time two active laborers could produce a crop of the latter commodity worth fifty pounds sterling in the English market. Richard Brewster claimed that in one year he had, with the assistance of three men, secured two thousand eight hundred pounds of tobacco and one hundred bushels of grain. William Capps had been still more successful. Three boys in his service had produced three hundred pounds of tobacco and one hundred and eleven barrels of Indian corn, without receiving aid from himself.[2] It was not until the administration of Yeardley that any striking innovation was made in the manner of curing the tobacco after it had been removed from the stalk. Doubtless the earliest method, which consisted of throwing the leaves together in a heap, appeared even to the inexperienced planters to allow room for great improve-

[1] *Works of Capt. John Smith*, p. 541.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, pp. 262, 263. The author of *Virginia Richly Valued*, writing at a later period, said: "The native corn of the Country, maiz, is so gratefull to the planter that it returneth him his entrusted seed with the increase of 2 or 3 hundred interest, so facilely planted that one man in 48 hours may prepare as much ground and set such a quantity of corne that he may be secure from want of Bread all the yeare following, though he should have never so large an appetite to consume it and having nothing else to live upon." P. 12, Force's *Historical Tracts*, vol. III.

ment. Seven years after the original experiment of Rolfe, a Mr. Lambert introduced the plan of stringing the leaves upon lines, this being the first step in the evolution of the tobacco stick so well known to all familiar with the culture of the plant in the present age.[1] Tobacco-houses were now erected. Among the buildings burned down by the Indians in the massacre of 1622, was a house of this kind at Mr. Harrison's, and this was probably not the only structure of the same character destroyed on this occasion.[2] Tobacco now was in part, at least, shipped in rolls weighing many pounds.[3] In the *Flying Horse* of Flushing, which reached England from Virginia in 1615, there was one roll containing as much as one hundred and five pounds of tobacco, and this was doubtless not exceptional as long as the crops of the planters were purchased by the Cape Merchant.[4] To him as the custodian of the magazine, it was always presented in the leaf, one of the provisions adopted by the Assembly in 1619 being that it should

[1] *Randolph MSS.*, vol. III, p. 142. In 1620, Mr. Henry Palmer is said to have brought to the attention of the Company a new plan for curing tobacco. The character of this plan is not now known. See *MS. of the Minutes of the Virginia Company of London*, in the Library of Congress, vol. I, p. 119. Mr. William G. Stanard, who has an unequalled knowledge of many branches of Virginian history, gives some details of Mr. Lambert's life in the *Virginia Magazine of History and Biography*, vol. II, p. 421.

[2] *Works of Capt. John Smith*, p. 576.

[3] In 1618, the authorities of the Company in England received permission to sell by the candle one thousand pounds of tobacco transported from the Bermudas in the form of rolls. See *Court Minutes of the East India Company*, vol. IV, p. 304. In 1621, the Company is found writing to the Governor and Council in Virginia as follows: "Being sensible of the great losse the Adventurers still sustaineth by your roule tobacco made up with fillers, (as the term is) order throughout the Collony that they may be provided to exchange with our Cape Merchant, etc." Neill's *Virginia Company of London*, p. 238.

[4] Delaware MSS., Brown's *Genesis of the United States*, p. 772.

not only be aired before it was brought to the magazine, but all that was shown to be very mean in quality when offered in exchange should be burnt. This was the institution of the first general inspection law in Virginia, a measure which was especially necessary in that age, when from the inexperience of many of the planters, men who had not been long in the Colony, so much of the tobacco was of the most indifferent character.[1] The law prescribed only two grades, but it is interesting to note that the roll which reached England in 1615, in the *Flying Horse*, was described as "middling," but this term may have been applied to the second grade. The scope of the inspection law of 1619 was, in 1623, extended by the appointment of sworn men in each settlement to condemn all bad tobacco.[2] The method used in disposing of the leaf in the English market at this time was by the candle, and the same was perhaps adopted in Virginia in some cases, after the abolition of the magazine.

There were a number of reasons which gave tobacco a superiority over all the other commodities of Virginia, and rendered ultimately abortive every effort to divert the attention of the planters to the production of maize and wheat, wine and silk. The general economic tendencies of a people are never founded upon mere wilfulness, but upon a just appreciation of their immediate interests as controlled by their physical surroundings. First of all, — and from a material point of view, this was sufficient in itself if tobacco could be cultivated as cheaply as any other crop, — it commanded proportionately to weight a higher price in the markets of England and Holland.

[1] Lawes of Assembly, 1619, *British State Papers, Colonial*, vol. I, No. 45; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 24.

[2] Lawes and Orders of Assembly, Feb. 16, 1623, *British State Papers, Colonial*, vol. III, No. 9; *McDonald Papers*, vol. I, p. 98, Va. State Library.

When Captain Smith was examined by the royal commissioners at the time the question of repealing the charter of the Company was agitated, he was asked to explain why it was that the Colony, in spite of the fertility of its soil and the variety of its natural products, exported but one commodity. His reply was a significant one. The reason, he declared in substance, was, that grain only brought two shillings and six pence a bushel, while tobacco brought three shillings a pound. A man's labor in tobacco was calculated to be worth as much as sixty pounds, but in grain it was worth only ten.[1] Sandys held precisely the same views, the neglect of all commodities but tobacco being in his opinion directly traceable, certainly as long as the magazine price of three shillings was approved by the Company, to the high rate at which it was sold.[2] If the same price had been fixed upon a bushel of grain, equal industry would have been shown in its production. That, however, was impracticable, because the rate allowed in Virginia was governed by the value of the article in England. An arbitrary price might be established for a time, but would fall through after an interval, for the reason that no merchant would be willing to exchange his goods for any product at a figure ensuring a heavy loss when this product was thrown upon the English market for sale. In January, 1621–1622, the General Assembly proposed that the Company should assess grain in Virginia at seven shillings a bushel, and should purchase it at this price either with bills of exchange on England, or with commodities to be delivered in the Colony at a profit of only twenty-five per cent. Such a policy would have been

[1] Answer to the Commissioners' Questions, 1624, *Works of Capt. John Smith*, p. 615; see also p. 565.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 124.

ruinous to the Company if the returns in England alone were considered.[1] In January, 1621, the year in which the proposition of the Assembly was made, the value of wheat in the mother country was forty-one shillings a quarter, or five shillings a bushel. Fifty shillings a quarter, or six shillings a bushel for grain, exceeded the average rate during the period covered by the Company's administration in Virginia. In 1619 and 1620, the two years preceding the date of the General Assembly's proposition, the price of wheat in England was only twenty-five shillings a quarter, or three shillings a bushel. With the exception of the year 1622, when it rose to fifty shillings, it did not advance beyond forty-eight shillings a quarter, or six shillings a bushel. From 1606 to 1624, the average value of wheat in England was only five shillings a bushel.[2] It will be seen from these English rates that the loss of the Company, if they had decided to import grain from Virginia, would always have been equal to two shillings a bushel, and in some years it would have risen above this sum. In this computation, the customs as well as the cost of transporting the wheat or maize have been omitted from consideration. The charge on a ton of goods imported into Virginia from the mother country was placed at three pounds sterling,[3] and the freight could not have been less than this amount on commodities shipped to England from the Colony, whether conveyed in the vessels of the Company or not.[4] The clear loss, therefore, which that Cor-

[1] Neill's *Virginia Company of London*, pp. 282, 283. The Assembly was evidently not looking to the exportation of the grain.

[2] See tables in Rogers' *History of Agriculture and Prices in England*, vol. V, pp. 268–270.

[3] *Works of Capt. John Smith*, p. 617. See also *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 116.

[4] The freight charge on wheat by the ton in 1649 was three pounds sterling. Bullock's *Virginia*, p. 49. It was not less twenty years earlier.

poration would have incurred in sending to London a ton of grain, purchased at the rate of seven shillings a bushel, would have been very near to eighty-nine shillings. No association or individual could afford for any length of time to continue an importation entailing such an enormous deficit, which in this instance would have been further increased by the shrinkage of the grain and the payment of customs. The highest price which the Company could have given for a bushel of wheat or maize in Virginia, with the assurance of a moderate gain in selling it in England, after allowing for all the fixed and incidental charges, was not over three shillings, or about three dollars and sixty cents in our modern currency. It was not possible for grain to have been cultivated in the Colony at this rate of expense and then sold at a profit.

If the dependence of the people for the supplies furnished by the mother country had rested upon wheat, the Colony would not have survived the period of infancy. Several reasons may be advanced in explanation of this. The rich mould of the new grounds was shown by actual test to be poorly adapted to this cereal, the strength of the plant being absorbed in the stalk. It came to perfection in fields which, from previous cultivation in maize and tobacco, had not only been reduced in fertility but also cleared of stumps, but the lack of manures would soon have made it impossible to continue the production in the same spots after the soil had been exhausted; it was, therefore, just as essential to enlarge the area sown in wheat as it was the area planted in tobacco, and this would have meant, if the former rather than the latter had been the only crop of the Colony, a more active struggle to destroy the forests because a much greater area was required for the cultivation of wheat. From year to year the process of opening new grounds would

have been more costly, because it would have been necessary to proceed more rapidly to secure new fields. If Virginia had been found by the first settlers to be a country as devoid of trees as a Western prairie, which was rendered impossible by the extreme humidity of the climate, the expense of producing wheat would have been smaller provided an adequate number of ploughs were available, but even under these circumstances, it is doubtful whether the landowners of the Colony would have been in a position to compete with the English farmer in supplying the English market, on account of the heavy charge for ocean transportation.[1] Admitting that he could have done so successfully, the English Government would have anticipated by many years the imposition of the tax which, in 1651, was placed upon all grain imported into England, as a means of protecting domestic agriculture. Holland at this time was the greatest storehouse of food products in the world, being a purchaser from all civilized countries, and in a period of dearth supplying them from her own granaries with the very corn she had previously procured from them at much lower prices.[2] If Virginia in the beginning had been able to dispose of wheat in the Dutch markets at a profit, the course of trade which would have arisen in consequence would have excited the disapproval of the English Government,

[1] So far as I have been able to discover, there is hardly an instance of the exportation of grain from Virginia to England during the existence of the Company. It is recorded that "Sir George (Yeardley) with his Company went to Accomack (1622) to his new plantation, where he staied neere six weekes, some corne he brought home, but as he adventured for himselfe he accordingly enjoyed the benefit." *Works of Capt. John Smith*, p. 595. The expression "home," which was the term usually applied to England by the colonists, was evidently intended here to mean Jamestown. The East India Company may have exported a small quantity. See opposite page.

[2] Anderson's *History of Commerce*, vol. II, p. 216.

on the ground that it not only diminished the English customs, but also weakened the dependence of the Colony on the mother country. This was the argument advanced at a later time in the case of tobacco, and it would under similar circumstances have been brought forward in the case of wheat.

All the disadvantages involved in the destruction of the forest, the early exhaustion of the fertility of the soil, the inability to produce in great abundance, the fewness of implements and draught animals, the heavy expense of transportation and the lowness of prices, which would have prevented the adoption of wheat as the staple crop in the earliest years of colonial history, operated with equal force in the case of maize. In addition to these drawbacks, this grain had a still more serious obstacle to overcome before it could find an introduction into the markets of either England or Holland. Unlike wheat, it was, previous to the discovery of America, unknown to the people of Europe, and although not inferior in quality to the rye and barley used as food by the European peasantry, was rejected by the prejudices of this conservative class. The only foreign commendation maize appears to have received in the time of the London Company was in 1618 from the East India Corporation, which described it as being more excellently adapted for consumption by seamen than beef, because more wholesome. This testimony was probably not altogether impartial, as this company was anxious to promote the success of the Virginian enterprise.[1] Indian corn has never acquired extensive popularity abroad, although with the cheapened transportation of our own times, it has been put within reach of the most indigent European laborers at the same price at which they are able to purchase the grains upon

[1] *Minute Book East India Company*, p. 306.

which they have always relied for food.[1] In the early part of the seventeenth century, the distaste for it in Europe was likely to have been very much greater than it is now. An examination of the annals of the first decades in the history of Virginia reveals the fact that the settlers, instead of being in a position to export maize or wheat, were constantly in need of both for their own subsistence, and very frequently, even at a much later period, failed to have an adequate supply. This arose in part from negligence, and in part from the dangers of the times and the obstructions to cultivation.

It is quite plain that neither the soil nor the climate of Virginia was adapted to the production of rice or cotton in the perfection that would have ensured in either crop a support for the colonists. And a practical test revealed with equal clearness that reliance could not be placed upon the vine or the silk-worm; both were tried with all the aids to success which the power of the London Company could supply, and both ended in failure. Tobacco had a great advantage over all the other agricultural products of Virginia in the fact that it could be produced in larger quantities to the acre. This was of supreme importance in a country where so much labor and patience were required to clear the ground of its primæval growth in preparation for planting or sowing. Tobacco, moreover, could be shipped to England in more valuable bulk to the space than any other agricultural product. As a result of this circumstance, the pecuniary return upon a cargo of it was larger than upon a cargo of any other commodity of the same general nature in proportion to the expense of transportation for so great a distance.

[1] See the interesting paper by Mr. Charles J. Murphy: "The Introduction of Maize into Europe," published in the "Report on the Use of Maize in Europe," U. S. Department of Agriculture, Washington, 1891.

Tradition and habit doubtless brought to bear a strong influence in the subsequent history of Virginia to promote the cultivation of tobacco, but in the beginning it was an economic necessity, and in no small degree it continued to be such. If the climate and soil had been unsuitable to the growth of the plant, the advance of the Colony in the beginning would have been slower, confirming the remark of Lord Bacon, that a plantation should not be expected to become self-sustaining until a generation, or even a longer period of time had elapsed. In tobacco, the infant community found a product which was increasing in demand among the people of England as well as of the continent. As already stated, it was computed in 1613, that not less than two hundred thousand pounds sterling were spent by the former in the consumption of the leaf, a sum which in our modern currency perhaps amounted in purchasing power to five millions of dollars; ten years later the consumption must have been very much larger.

As it was impossible, for the different reasons which have been given, for Indian corn or wheat, rice or cotton, the silk-worm or the grape, to become in the beginning a profitable substitute for tobacco, so it was impossible for any other of the commodities not purely agricultural, produced in Virginia, to be made that basis of growth which was found in tobacco almost on the threshold of the history of the Colony. In 1610, the Company in London, bearing in mind one of the principal objects for which the new settlement had been established, that is, to supply the people of England with many, if not all of the articles they were compelled at that time to import from abroad, instructed the authorities in Virginia to return to the mother country the following: sassafras roots, bayberries, puccoon, galbrand, sarsaparilla, walnut

oil, beaver cod, oak and walnut trees, pines, pitch and tar, sturgeon, caviare and sounds for isinglass.[1] A brief examination of this list of commodities will show that however important as subordinate productions they might become when the Colony was no longer struggling with all the drawbacks of being situated in a remote wilderness inhabited by hostile savages, it was too much to expect that any one or all of these articles taken together would furnish the subsistence which tobacco supplied. Some were not procurable in sufficient quantities, while others were too bulky to leave a profit after transportation to England, and for none were there opportunities for sale that would enlarge as the amount exported increased. Sassafras was most in demand, but care had to be taken even in the case of sassafras not to overstock the English market, which could easily happen by the introduction of a considerable quantity.[2]

In spite of the expense of removing the forest, the distance to market, the fluctuating value of the leaf, and the various revenue exactions to which it was subjected, the volume of tobacco produced in Virginia continued to increase. In 1619, twenty thousand pounds were exported;

[1] Virginia Commodities, Brown's *Genesis of the United States*, pp. 384, 385. The valuations of the different products of Virginia in 1621 will be found in Virginia Richly Valued, p. 51, Force's *Historical Tracts*, vol. III. A few may be given: — Iron, £10 a ton; silk-grass for cordage, 6*d.* a pound; hemp, 10*s.* to 22*s.* per 100 lbs.; flax, from 22*s.* to 30*s.* per 100 lbs.; cotton, 8*d.* per lb.; pitch, 5*s.* per 100 lbs.; tar, 5*s.* ditto; turpentine, 12*s.* ditto; salt, 30*s.* ditto; sarsaparilla, 5*s.* ditto; masts for shipping, 10*s.* to £3 apiece; pot ashes, 35*s.* per 100 lbs.; pipe staves, £4 per 1000; walnut oil, £12 a ton; honey, 2*s.* a gallon; wax, £4 per 100 lbs.; sumac, 7*s.* per 100 lbs. Certain valuations were also placed on the skins of the sable, otter, marten, wild-cat, fox, musk-rat, and beaver.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 100. See also Letter of the Council of Virginia to Council in England, Brown's *Genesis of the United States*, p. 107.

in 1620, the Company alone shipped forty thousand ; in 1622, sixty thousand pounds were sent out, although it was in this year that the area under cultivation was narrowed in consequence of the massacre.[1] The quality of the tobacco in general, notwithstanding the law requiring the destruction of the lowest grade, was very mean, although it was provided that only one thousand plants should be permitted to each head, and that the leaves of each plant should not exceed nine in number.[2] The most valuable sorts at this period were sold for two shillings a pound, while the price of the least valuable was eighteen pence, this depression being due to the large quantity exported and to the unreasonable exactions of the reigning monarch, James the First, who claimed as among his royal prerogatives the right to lay charges on all colonial imports. His whole policy, previous to 1624, was to reduce the importance of Virginian tobacco. In this he was influenced by a number of motives, the most powerful of which perhaps was the desire to ingratiate himself with Spain, and to further his design of a match between his son and the Spanish Infanta. It is a question, also, as to how far this pusillanimous monarch was influenced by his timidity in leaving an open market in England to Spanish tobacco. Knowing that the Spanish Power regarded with the utmost jealousy the settlements on the Powhatan, he probably feared lest this feeling would grow more aggressive if the Virginian planters were permitted to drive the planters of the West Indies from the English market entirely. The policy of the English King was directly the reverse of the policy of the Spanish, who suffered no foreign rival in his own domin-

[1] Governor and Council of Virginia to London Company, Jan. 20, 1622–23, Neill's *Virginia Company of London*, p. 371.

[2] *Works of Capt. John Smith*, p. 565. It was calculated that this number would assure about 112 lbs. of tobacco to each person.

ion to obstruct the introduction of tobacco from his American possessions.[1] The whole object of James was to lay such charges on the importation of that commodity from Virginia, as to place it at a serious disadvantage in its competition with the Spanish product, which was already severe in consequence of the public belief that the Spanish leaf was superior in quality to the Virginian. His repeated remonstrance with the colonists for their absorption in the cultivation of tobacco, had its origin less in a statesmanlike conception of the greater benefit which might accrue to them from the full development of all the natural sources of wealth in the new plantation, a consideration which undoubtedly had weight with him, than in the determination to cripple a formidable rival of Spain in the marts of England.[2] In 1621, he issued a proclamation restricting the crop to be exported from Virginia and the Somers Isles[3] to fifty-five thousand pounds. The hard character of the measure appears from the fact that the importation of the Virginian leaf during the previous year had amounted to forty thousand pounds.

The clamor which this restriction excited discloses the continued dependence of the Virginians of this period upon tobacco, in spite of the efforts that the Company had made to diversify the industries of the Colony. They declared that it was the only commodity they had been able to produce which brought them sufficient returns to supply themselves and their families with apparel and other necessaries of life. If the King insisted upon sup-

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 124.

[2] It should be borne in mind in favor of James I that he was disposed to keep steadily in view the real purposes which led to the colonization of Virginia. In these purposes, as we have seen, the production of tobacco had no part.

[3] The Bermudas.

pressing and prohibiting the trade, they would be compelled to abandon the country or perish. The detriment to the royal treasury which would result from this necessity was obvious.[1] To this petition the King gave no heed at the time. On the contrary, he caused the provisions of his proclamation to fall all the more heavily on the shoulders of his subjects in Virginia, by granting the customs upon tobacco to a small association of farmers of the revenue, and in the following year to a single individual. Both association and individual proceeded so injuriously against the interests of the London and Somers Isles Companies, that these Companies offered a vigorous protest to the King, who, in a dilatory though characteristic fashion, made them liberal promises, but took no steps to conform to their wishes. A remonstrance was then introduced into the House of Commons, but nothing was accomplished by this, although the House was in sympathy with its object. So strong was the feeling of the London Company, that they presented Mr. Bennett with the freedom of their body because he had written a treatise urging that the importation of Spanish tobacco into England should be strictly prohibited.[2] Despairing of moving the King, an agreement was entered into by the two corporations, by which the whole of the fifty-five thousand pounds of tobacco to which the two colonies were limited, was to be imported by the Somers Isles Company, the London Company deciding to transport their tobacco to Holland. Warehouses were established by them at Flushing and Middleburg. Arthur Swain, a merchant of high reputation for character and judgment, was, with special instructions for

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 117.

[2] *Ibid.*, vol. I, p. 110.

his guidance, appointed their factor in the Low Countries; he was to be allowed in remuneration for his trouble and responsibility, as the consignee of the cargoes sent over from Virginia, a commission of two shillings in the pound sterling on the returns from the sales.[1] The impost enforced by the Dutch was half a penny for each pound of tobacco.[2] In 1621, the *Duty* and *Bonanova* arrived in England from Virginia, the one coming to anchor in the Downs, the other at the Isle of Wight. The *Bonanova* alone had on board a cargo amounting to forty or fifty thousand pounds in weight. The *Duty* was commanded by the Company to set sail for Flushing, the *Bonanova* for Middleburg. These vessels proceeded to their several destinations, where they were received by the factor, and their contents, after the charge for freight was collected, delivered according to the direction of the invoices.[3]

The action of the Company in transporting this tobacco to Holland giving rise to complaint on the part of some of the members of that body, led to a protest by the Privy Council, and finally to an order that all tobacco exported from Virginia should be brought to England first, whether intended for continental consumption or not.[4] The object of this order was to secure the payment of customs.[5] It was not to go into effect for several months, so that, in the interval, information as to its passage might reach the factor of the Company in the Low Countries.[6] The injunction was disregarded, ships from

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 124.

[2] *Ibid.*, p. 94. [3] *Ibid.*, pp. 124, 133, 134. [4] October 24, 1621.

[5] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 126.

[6] Order of the Privy Council, *Colonial Entry Book*, vol. 79, pp. 201–2; *Sainsbury Abstracts for 1621*, p. 43, Va. State Library.

Virginia as well as from the Somers Isles, in 1622, disposing of their cargoes of tobacco in Holland, on which account the Privy Council instructed the officers in the two Colonies to impose a heavy fine upon the owners.[1]

The loss which would have fallen upon the royal revenue by a permanent diversion of even a part of the annual tobacco crop of Virginia to Holland, would have increased with the progress of time. In the letters patent of 1609, the King had granted to the London Company exemption, during twenty-one years, from every form of custom and subsidy in excess of five per cent upon such commodities and merchandise as were imported into England, but the grant of this privilege was altogether disregarded, and in a manner giving a marked advantage to the Spanish importers. The highest grades of the Spanish leaf were sold in London at the rate of eighteen shillings a pound, while the Virginian leaf, which, previous to 1620, had never brought more than five shillings in the highest grades, and which in 1621 sank to two shillings, maintained in the superior grades a general average of only three shillings.[2] The farmers of the customs, instead of laying charges upon the products of the two countries without respect to each other, massed the imported tobaccos of the Spanish and Virginian Colonies, and reduced them to an average of ten shillings a pound, upon which a duty of sixpence was levied, to the great injury of the planters in Virginia.[3]

[1] Order of the Privy Council, *Colonial Entry Book*, vol. 79, p. 203; *Sainsbury Abstracts for 1622*, p. 80, Va. State Library. It is interesting to find, as an evidence of the evasion of this injunction, that in a petition presented to the Privy Council in 1629, one Rossingham states that in 1622, 1623, and 1624 he was the agent of Sir George Yeardley in Holland in the sale of the latter's tobacco. *Colonial Papers*, vol. V, No. 15, I.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 30–35.

[3] *Ibid.*, pp. 30, 31.

The diversion of the tobacco of the Colony to Holland was, in spite of the determined opposition of the royal authority, considered at the time to be entirely consonant with the immemorial privileges of men of English heritage. Sir Edwin Sandys, one of the firmest and most sagacious members of the Company, practically denied that the King had any authority whatever to assume control over the action of the individual planters, or the private associations in disposing of their annual crop, although he admitted that the right of the sovereign to order that all of the commodities in possession of the Company, whether produced on the Company's lands or purchased by it from the planters, should be brought to England, and there be made subject to existing customs, was founded upon a basis that might be considered tenable.[1] Even this, however, was held to be unconstitutional by many, on the ground that although the Company owed its existence to the royal charter, yet there were certain prerogatives which the corporation possessed, as a body of free-born Englishmen, which not even the King could suspend, curtail, or destroy, either permanently or for a time. The planters and the societies were entirely disconnected from the Company, and held their estates under the same general laws governing the tenures of the landowners in England. The greatest part of the tobacco produced in Virginia at this time belonged to them, the larger quantity of which they sold to the owners of ships not sailing directly to England. They claimed as inherent the right to dispose of their commodities to the highest bidder; and to interfere with this right, common to Englishmen everywhere, would be a mere exercise of arbitrary power.[2]

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 143; vol. II, pp. 124, 128, 130. [2] See charter of 1606.

The dispute between James and the Company as to the amount of tobacco which Virginia should be allowed to import into England, and the charges that should be imposed on it, were settled by a contract between the two in 1622, this contract being accepted by the Company as the most favorable they could secure. Under the provisions of this agreement, they were to enjoy the right of sole importation, with the exception that for two years sixty thousand pounds of Spanish leaf were to be admitted annually. The King was to have an absolute property in one-third of the quantity brought in, and a duty of sixpence on the remaining two-thirds. One of the clauses of the agreement provided, that James should prohibit the cultivation of tobacco in England and Ireland, and that all that was produced there after the ratification of this contract should be confiscated.[1] It is an interesting fact that as early as the year 1615, a pamphlet was issued in England setting forth the proper methods to be followed in planting in English soil;[2] the information which it gave seems to have been used, since in 1619, only four years later, the amount of tobacco of English growth was so large that the price of the leaf imported from Virginia was depressed by it.[3] In the spring of the

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 215.

[2] An Advice how to Plant Tobacco, Brown's *Genesis of the United States*, p. 772.

[3] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 32. In a letter from Lord Treasurer Cranfield to the Marquis of Buckingham, dated "Chelsey July 21, 1621," we find the following: "The king's rent of £15,500 for tobacco is in danger to be lost or at best to decline much, and all the money spent about the plantations of Virginia and Burmothes will be lost, if there be not some present course taken to restrain the planting of tobacco here in England." A copy of this letter is printed in the appendix of Neill's *Virginia Carolorum*, p. 403.

following year, the King, in consideration of the consent of the Company to the imposition of a higher duty, issued his proclamation forbidding its production in England, but in spite of this prohibition it continued to be cultivated privately. The Company, in order to enforce the royal proclamation, went so far as to appoint an informer, or intelligencer, as he was called, whose duty it was to prefer charges against any one who within five miles of London was discovered to be planting, and if the informer extended his observation further, he was to be specially rewarded.[1]

The agreement between the King and the Company with reference to a sole importation, excepting sixty thousand pounds of Spanish tobacco, was found to be highly injurious to the welfare of the Colony, and in twelve months it was abandoned, the King returning to his former policy of exaction, from which no relief was obtained until 1624, when the prospect of the Spanish match becoming hopeless, and the Spanish power having perceptibly waned, he assumed a more conciliatory attitude towards Virginia.

In this interval the massacre of 1622 occurred, which at first seemed destined to destroy permanently the prosperity of Virginia. So much absorbed had the planters become in the cultivation of tobacco, that they presented the Indians with their firearms and employed them in hunting as substitutes for themselves. The massacre took place in March before the planting of

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 49, 51, 52. The name of the "intelligencer" selected was Henry Mansell. See *Ibid.*, pp. 35, 36, for very striking evidence of how little confidence the Company placed in the good faith of the contemptible monarch who then occupied the throne. The noble spirit which animated the Company itself is set forth very eloquently in the passage beginning: "Notwithstanding these apprehended disasters, etc," p. 147.

tobacco had begun, and was so deadly in character that a large number of the settlements, at that time extending at intervals from the Falls to Point Comfort, were practically effaced. The principal destruction, after that in human lives, was in horses, cows, hogs, goats, and poultry; with the exception of the rude houses which had been erected by the planters, these were the only forms of property the Indians found so early in the spring to make away with.[1] As there were but small means of withdrawing the cattle which survived the murderous onslaught, they had to be left behind in every instance where the authorities required the abandonment of a plantation, and at once fell a prey to the savages or the wolves. The majority of those remaining in the settlements that continued to be occupied were brought to Jamestown and turned loose on the island, as offering a refuge in a measure protected from Indian attack, and also as furnishing excellent grazing.[2]

The colonists were now driven into Shirley Hundred, Fleur de Hundred, Jamestown and the plantation opposite, Kecoughtan, Newport's News, Southampton Hundred, and the plantation of Mr. Samuel Jordan. In spite of the appalling experience through which they had passed in March, the attention of the survivors was bent upon their crops as soon as they had completed arrangements to ensure their safety. Accustomed to all the dangers of a new country, their hearts were not to be permanently depressed by disaster, however universal or destructive. Instead of seeking to avenge themselves at once upon

[1] "Virginia Planters' Answer to Butler's Unmasking, etc," Neill's *Virginia Company of London*, pp. 400, 401. This paper is also printed in the *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 175.

[2] Letter of the Governor and Council of Virginia, April, 1622, Neill's *Virginia Company of London*, p. 294.

their relentless enemies, as they might naturally have been expected to do when the bloody provocation is remembered, they quietly held themselves in check until the growing maize had attained a good height, and then fell upon the savages with terrible ferocity, carrying ruin and death into the villages, with gun and sword and brand, and ravaging their fields, so that the calamities of famine would fall upon the owners in the approaching season of winter. These sweeping measures cleared a wide area of country of its Indian inhabitants, leaving it to be gradually settled by an English population.[1]

In 1622, the year of the massacre, a large crop of tobacco was cut and a great quantity of grain reaped, but the latter was entirely consumed by the number of people who in that year were introduced into the Colony without any provision having been made for their support. The five months succeeding December, 1622, appear to have been the most trying that had intervened since the memorable Starving Time. By March, 1623, the price of a bushel of flour or meal had trebled. An epidemic, the seeds of which were brought into Virginia by the passengers who had come over in the crowded ships, broke out and spread through the plantations, attended by an appalling mortality. Five hundred persons are supposed to have died, leaving barely that number of survivors. Whether this calculation was accurate or not, the relative proportion of deaths was enormous.[2] Into such depression were the planters thrown by these misfortunes that a proposition seems to have been favorably entertained

[1] *Works of Capt. John Smith*, pp. 598, 599.

[2] *Royal Hist. MSS. Commission*, Eighth Report, Appx., p. 39. "We lost more by the imediate hand of God than by the Treacherie of the Salvages," the Governor and Council declared in their letter to the Company, written in January, 1623 (N. S.). See Neill's *Virginia Company of London*, p. 367.

by many to retire to the Eastern Shore,[1] of which a survey was made with that purpose in view. George Sandys, the Treasurer of the Colony, asserted that no such plan had been seriously considered,[2] but the circumstances in which the people were placed, and the many advantages which the Eastern Shore had to offer, the fertility of its soil, the mildness of its climate, and the friendliness of the Indians living there, all would have united to justify the temporary withdrawal of the planters from their earliest seats.

As the spring of 1623 advanced, the high prices prevailing in the winter increased. A bushel of meal ranged from twenty to thirty shillings, which, reduced to the figures of our modern currency, amounted in purchasing value from twenty to thirty dollars; the cost of a hogshead was about seventy pounds in English currency in the present age. The food was oatmeal, peas, and maize bread.[3] The tenants attached to the public lands endured the greatest suffering, being unable to pay their rents, and in some instances, to earn a subsistence; many sank into hopeless melancholy and perished; others, in the pressing demand for food, left their crops to be choked by weeds and went in search of wild game.[4] Later in the year ample relief was obtained from England, as many as fourteen ships sailing from the English ports between May

[1] That is, across the Chesapeake Bay to the Accomac Peninsula.

[2] George Sandys to Samuel Wrote, March 28, 1623. A copy of this letter will be found in Neill's *Virginia Vetusta*, pp. 122–127. For the particular reference, see p. 126. See also Letter of Governor and Council of Virginia to London Company, Jan. 20, 1623 (N. S.), Neill's *Virginia Company of London*, p. 367.

[3] *Royal Hist. MSS. Commission*, Eighth Report, Appx., p. 41. See "Virginia Planters' Answer to Butler's Unmasking, etc.," Neill's *Virginia Company of London*, p. 398.

[4] George Sandys to Sir Saml. Sandys, *Royal Hist. MSS. Commission*, Eighth Report, Appx., p. 39.

and November, 1623, to furnish supplies for the starving people in Virginia. A part of these supplies reached Jamestown in time to allow the colonists to plant a very large crop of tobacco.[1]

In the following year, in spite of massacre, famine, epidemics, and malicious assaults upon the reputation of the Colony, the different communities composing it gave unmistakable indications of prosperity. The planters now held no communication with the Indians, and in consequence relied upon themselves for obtaining everything which they needed. Each dwelling-house was carefully fortified by a palisade; every man possessed a firing piece, sword, rapier, and coat of mail, and when he entered his fields he carried arms in his hands, and the upper part of his body in front and behind was guarded by steel plates against the arrows of the lurking foe.[2] The indisposition to plant Indian corn after the great massacre on account of the ambush which the thick array and heavy foliage of the stalks afforded to the savages was so strong,[3] that a law, passed in 1623, with a view of removing all danger of a famine, required that a granary should be erected in every parish of the Colony, and that each male person above eighteen years of age should contribute to it one bushel of grain. A supplementary regulation was adopted by the same Assembly, providing for the appointment of a commission of three men, upon whom was im-

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 245. See letter of Dephebus Caune to John Delbridge, *British State Papers, Colonial*, vol. II, No. 36; *Sainsbury Abstracts for 1623*, p. 119, Va. State Library. See also "Accounts of Sums Subscribed, etc., for Relief of the Colony of Virginia," *British State Papers, Colonial*, vol. II, No. 42; *Sainsbury Abstracts for 1623*, p. 133, Va. State Library.

[2] Hening's *Statutes*, vol. I, p. 127.

[3] Letter of Governor and Council of Virginia to Company, April, 1622, Neill's *Virginia Company of London*, p. 296.

posed the duty of compelling the head of every family engaged in cultivating the ground, to plant grain sufficient to assure bread for those who were dependent on him.[1] The Company in England was urged by the Governor and Council in Virginia to suffer no one to leave the mother country with the intention of settling in the Colony without a supply of grain that would last him for twelve months.[2] In 1624, all planters who devoted a part of their lands to the culture of Indian corn were granted the privilege of selling it at the highest price which they could secure; previous to this it had been the custom of the Governor and Council to prescribe the exchangeable value of all the products, and whoever sought to evade the rules which they established in this respect exposed himself to a severe penalty.[3] It was a significant indication of the progress made in the general affairs of Virginia that the old habit of imposing punishments as a means of promoting the production of grain had been abandoned for a time at least, and the policy of allowing an unobstructed sale adopted instead, a policy which the people of that age, however, were too unenlightened to put in universal operation. When the constant interferences of the authorities of those times with the natural laws of trade are recalled, it is not surprising that the growth of the Colony was impeded at every step, and that its prosperity only increased because the force behind it could not in the long run be repressed.

[1] Laws and Orders of Assembly, Feb. 16, 1623, *British State Papers, Colonial*, vol. III, No. 9; *McDonald Papers*, vol. I, pp. 97, 98, Va. State Library.

[2] Neill's *Virginia Company of London*, p. 297.

[3] Hening's *Statutes*, vol. I, p. 125.

CHAPTER V

AGRICULTURAL DEVELOPMENT, 1624–1650

THE dissolution of the London Company in 1624 brought to a close the plantation era in the history of the Colony. Although the revocation of the letters patent was precipitated by the discontent of an unscrupulous faction, and by the anxiety of the King to suppress a corporation, the spirit of which was promotive of the growth of popular rights,[1] still the effect of the step was ultimately highly favorable to the welfare of the planters. At first they were disposed to look upon the change as an unmixed calamity, anticipating that the destructive influences which had received a practical illustration in the administration of the Company during the earlier and greater part of its existence would again become dominant. So far did this apprehension extend that some of the planters offered their lands for sale, and made immediate preparations for abandoning the country, regarding this as the only means of saving their property from the rapacious hands of the Argolls, who, it was expected, would be appointed under the new form of government to the head of affairs in Virginia. The authorities of the Colony, when they were informed of the dissolution, drew up a petition to the King imploring him not to suffer them to be placed under the control of Sir

[1] Archives of Maryland, *Proceedings of Council, 1667–1687*, pp. 175, 176.

Thomas Smyth and his associates, and declaring in reply to the royal order commanding them to pay more attention to the cultivation of the staple commodities, that they only affected the contemptible weed, tobacco, as a present means of obtaining a subsistence, and that they hoped in time to substitute for it in large measure commodities more valuable.[1] Before this petition reached England, James had appointed commissioners to assume charge of the affairs of the Colony, promising at the same time that the vested interests of both planters and stockholders should not in the remotest degree be infringed upon.[2] One of the first acts of these commissioners was to request representatives of the Old Company to give their views as to what would be the terms of a contract with the King touching tobacco, which would maintain the volume of revenue he had been receiving from the amount of that product hitherto imported from Virginia, and yet not fall too heavily upon the resources of the planters. It had been recently proposed in Parliament that the introduction of the Spanish leaf should be prohibited. The representatives of the former Company recommended strongly that this proposition should be made a law, that the right to bring tobacco into the English ports should be confined to the inhabitants of Virginia and the Somers Isles,[3] and that no one should be permitted to cultivate the plant in England. In return for the benefits which would result to them from these provisions, it was suggested that the people of the two Colonies should pay three pence a pound as customs on the whole quantity which they imported,

[1] Petition of General Assembly to the King, *British State Papers, Colonial*, vol. III, No. 21; *Sainsbury Abstracts for 1624*, p. 23, Va. State Library.

[2] Archives of Maryland, *Proceedings of Council, 1667-1687*, p. 178.

[3] The Bermudas.

and that they should contribute to the royal treasury a round sum of ten thousand pounds sterling to be obtained from the sale of one-fourth part of the tobacco brought in, the proceeds from the sale of the remaining portion to be expended in defraying the charges that would arise in enforcing the terms of the agreement. The Old Company declared that they were ready to become the purchasers of the annual crop of the Colony. They proposed that upon its arrival in England it should be received by officers of the Company. In the hands of that body they recommended should rest the sole management of the contract. It alone should decide as to the volume of the leaf to be imported into the kingdom each year, and it should also have the power to assign to the King all debts created in its favor while the arrangement lasted. No licenses should be granted to the retailers of tobacco.[1]

The commissioners do not appear to have restricted their inquiries to the members of the Old Company. A contract much more detailed than the one just described was propounded by Mr. Ditchfield and his associates. This contract required that the tobacco to be delivered should be made up in rolls, and when presented in this shape, the contractors were to bind themselves to purchase during the first two years two hundred thousand pounds of it, at the rate of two shillings and four pence for the higher grades, and one shilling and four pence for the lower, to be paid for in part in six months, and in part in twelve. The King was to receive during the same period the annual sum of ten thousand pounds. The contractors agreed to buy in the course of the following five years two hundred and fifty thousand pounds of the leaf at the

[1] Discourse of the Old Company, *British State Papers, Colonial*, vol. III, No. 40; *Virginia Magazine of History and Biography*, vol. I, pp. 306–309.

rate of three shillings a pound for that of the best quality, and of two shillings for that of only moderate excellence. Settlement was to be made at the same intervals as in the first and second years. The dues of the King were placed at fifteen thousand pounds. It was further provided by the contractors that the entire crops of tobacco produced in Virginia and the Somers Isles, for it was proposed to include the Somers Isles in the arrangement, should be conveyed to the port of London alone. If, in the course of either of the first two years, the importation should exceed two hundred thousand pounds, or two hundred and fifty thousand pounds during the succeeding five years, the planters were to have the privilege of transferring to the Turkish market whatever surplus remained in either case after the contractors had exercised their choice. Special pains, however, were to be taken that no part of this surplus should be sold to any purchaser who was likely to return it upon the English market, to depress the price of the quantity selected from the whole amount first imported.[1]

The reply made at a later date in the interest of the planters to this offer left no room for doubt as to how they regarded it. It was impossible for the population of the Colony, it was asserted, to subsist upon the proceeds of the sale of two hundred thousand pounds of tobacco. The disposal of four hundred thousand at a fair price would not furnish the whole number of people with the supplies which they needed for their support. The contract gave those who propounded it the fullest opportunity to show partiality to their particular friends, in which event, the great body of the colonists would suffer a loss on

[1] Considerations Touching the New Contract, *British State Papers, Colonial*, vol. III, No. 32; *McDonald Papers*, vol. I, p. 145, Va. State Library.

their crops, there being little if any encouragement to re-export their tobacco to Turkey, because the additional charges for freight would cut down the margin of profit to a point where it would hardly be appreciable. The leaf was also certain to shrink and decay in the course of such a long voyage. The planters computed the loss in transporting their crop to England, the falling off in weight entering as an element into the calculation as well as the freight, at four pence a pound, which amount, deducted from the sum that the contractors declared themselves willing to pay during the first two years, that is to say, two shillings and four pence, left a net profit of two shillings for tobacco of the first grade, and of one shilling for tobacco of the second. It was well known to the planters, from their experience in the past, that the disposition of the English purchaser was to rate very little of the imported leaf as belonging to the first grade; in consequence of which fact, if the offer of the contractors was accepted, the far greater proportion of this commodity that would be bought by them would be put down as belonging to the second, the division in determining the quality not being suffered to extend to more than two grades. Small as would be the amount which the planters would secure, the first instalment would not be payable until six months had expired. Twelve months, a period so long that a second crop of tobacco would be ready for market before its close, must pass before the second instalment fell due. The higher prices offered at the end of the first two years would be no inducement to enter into the contract, as in the interval the ruin of the Colony would be complete.

That the apprehensions of the planters, if they had been compelled to submit to the terms of the Ditchfield contract, were not exaggerated may be seen from the fact,

that if the two hundred thousand pounds of tobacco, which the contractors proposed to buy during the first two years, had been apportioned among the three thousand people who formed the united population of Virginia and Somers Isles at this time, the allowance to each person would have been only sixty-five pounds, a return of but three pounds and five shillings sterling for his labor. This sum, small as it was, would have been reduced one-half in every case in which the planter was simply a tenant. For him, the return would have been only thirty-two shillings and six pence, a sum that would not support one individual, and still more certainly not a family, even admitting that there were no expenses incurred in the production of his crop. The proportion of the proceeds of sales which the planters would receive would be equal to one-sixth, and of the contractors to four-sixths, a difference that suggested to the minds of the former, when they came to make their reply, the simile of an infant having forty ounces of blood drawn from its veins, of which about five ounces were subsequently restored to its body.[1]

One of the first acts of Charles on his accession to the throne in the course of the spring of 1625 was to adopt as his own the two proclamations of his father with reference to the exclusion of the Spanish leaf.[2] He prohibited the importation into England of tobacco from the Spanish colonies, and all Spanish tobacco at that time to be found in the realm was to be carried out before the end of twenty-five days.[3] A second proclamation, issued on the

[1] Considerations Touching the New Contract, *British State Papers, Colonial*, vol. III, No. 32; *McDonald Papers*, vol. I, p. 145, Va. State Library.

[2] The Second Proclamation was issued in March, 1625.

[3] Proclamations of Charles I, No. 6, *Sainsbury Abstracts for 1625*, p. 75, Va. State Library.

thirteenth of May, erected a committee upon which was imposed the duty of regulating the affairs of the Colonies, its power, however, to be subordinate to that of the Privy Council. This proclamation announced that the King had resolved to create in himself a monopoly of the main product of Virginia and the Somers Isles, but at prices which would be satisfactory to the planters. The provisions of his first proclamation as to the exclusion of the foreign leaf were to be rigidly enforced, and the punishment to be inflicted upon any one who violated it was to be exemplary.[1]

Before the second proclamation reached Virginia, the General Assembly had written a letter to the Privy Council reflecting the feeling of consternation and despair with which the news of the contract approved by James had been received in the Colony. This contract was condemned as certain to be pernicious in its influence, because entirely destructive of the good that might spring from the grant of the right of sole importation. It was said that instead of causing this right to operate to the advantage of the people of Virginia, such an arrangement would really divert it to the profit of a few individuals. A blow was struck at the welfare of the planters which would be irremediable, unless prompt redress was afforded. Already the supplies from England had fallen off and were only to be obtained at the most exorbitant prices.[2]

It shows how strong had become the habit of the colonists in the past of suspecting the motives of their

[1] Proclamations of Charles I, No. 10, *Sainsbury Abstracts for 1625*, p. 110, Va. State Library.

[2] Petition of General Assembly to King, *British State Papers, Colonial*, vol. III, No. 42: *Sainsbury Abstracts for 1625*, p. 114, Va. State Library.

rulers in England, that in this letter it was openly charged that some of the commissioners appointed by James, information as to whose displacement had not yet reached them, were to be secret participants in the profits of the contract. So deep was the concern of the people of Virginia that they dispatched Sir George-Yeardley to England to protect their interests.[1] In his petition to the Privy Council after his arrival, he urged upon that body the necessity of adopting some course that would uphold the price of tobacco until staple commodities could be set on foot. In order to bring this about, he recommended that an exemption from the payment of customs should be granted, and that all the privileges of the freest trade should be allowed.[2] The appeal of Yeardley must have been successful, for it is stated in a communication from the Governor and Council to the New Commissioners for Plantations, written in January, 1626, that the contract had been annulled.[3]

Before twelve months had passed, the colonists had occasion to complain of a very serious modification of that part of the royal proclamation of April, 1625, which prohibited the importation of the Spanish leaf into England. A proclamation was issued in February, 1627, prescribing that fifty thousand pounds of this commodity should thereafter be admitted, but it was to be reserved for the

[1] Petition of General Assembly to King, *British State Papers, Colonial*, vol. III, No. 42; *Sainsbury Abstracts for 1625*, pp. 114–116, Va. State Library.

[2] "Divers Heads wherein the Lords are to be Moved," *British State Papers, Colonial*, vol. III, No. 47; *Sainsbury Abstracts for 1625*, p. 120, Va. State Library.

[3] Governor and Council to Lords Commissioners, *British State Papers*, vol. IV, No. 1, *Sainsbury Abstracts for 1626*, p. 124, Va. State Library. The petition of Yeardley to the King bears the date of October, 1625. See *British State Papers, Colonial*, vol. III, No. 46; *Sainsbury Abstracts for 1625*, p. 110, Va. State Library.

royal use.[1] At the same time, the King seems to have approved of the terms of the offer which Mr. Amis and his associates propounded for the tobacco of Virginia and the Somers Isles. Representatives of the planters of the two Colonies who were in London in April of the same year, were summoned to meet at the house of Sir John Wolstenholme, and upon their assembling, the quantity which the contractors proposed to take and the price they would give were announced in the form of an order of the Privy Council. The representatives firmly refused to consent to either, on the ground that the amount was too small and the price too low to furnish the population of the Colonies an adequate subsistence.[2]

It is a striking indication of the feeling which the people of Virginia entertained towards all schemes for the purchase of their tobacco in a mass, that on this occasion, before they had been informed as to the particulars of the Amis contract, they exclaimed most earnestly against it. The Governor gave voice to this feeling in a communication which he addressed to the Privy Council, and which bears the date of the day preceding the meeting at the house of Sir John Wolstenholme. He declared that the inhabitants of the Colony would only consent to the arrangement if the quantity of their tobacco to be taken annually by the contractors was increased to three hundred thousand pounds, and the price advanced to three shillings a pound, payable either in bills of exchange when preferred, or in a standing magazine of necessary merchandise. All of that commodity which remained in excess of the amount fixed upon was to be disposed of in the open

[1] Proclamations of Charles I, No. 61.

[2] Answer of the Planters and Adventurers of Virginia, *British State Papers, Colonial*, vol. IV, No. 20; *Sainsbury Abstracts for 1627*, p. 154, Va. State Library.

market.[1] When the full details of the Amis contract reached Virginia in private letters, the planters were thrown into a state of great dissatisfaction. A letter was dispatched to the Privy Council, begging that no agreement should be finally ratified unless it had been first approved by the people of the Colony, and above all, that the Spanish leaf should not be permitted to be brought into the kingdom even in the smallest quantities.[2] These remonstrances, so earnestly pressed, appear to have been effective for the time being.

In the course of the summer following the first suggestion of the Amis contract, Charles wrote to the Governor and Council in Virginia, and represented himself to be much annoyed at the small progress which had been made, in spite of the many years that had passed since the establishment of the Colony, in the production of solid commodities. It was to the dishonor and shame of its people, he declared, that their plantation was built upon smoke alone, a foundation which would sink into ruin if permission was granted to landowners in England to cultivate tobacco, or to English traders to import the Spanish leaf. He urged them to develop the resources of the country in tar and pitch, soap and pot ashes, salt, iron, timber, and lastly in vines. It was not, however, his wish, he asserted, that the production of tobacco should be abandoned; he desired merely that it should be carefully ordered and the quantity tended diminished, in which event, he proposed to become the purchaser of the whole annual crop, being willing to give for it, when delivered in the port of Lon-

[1] Governor Yeardley to the Privy Council, *British State Papers, Colonial*, vol. IV, No. 21; *Sainsbury Abstracts for 1627*, p. 155, Va. State Library.

[2] Governor and Council to Privy Council, *British State Papers, Colonial*, vol. IV, No. 34; *Sainsbury Abstracts for 1627*, p. 167, Va. State Library.

don, three shillings a pound.[1] More particular instructions were dispatched to Virginia in November as to the methods that should be adopted to improve its quality and to moderate its volume. The plants were to be set four feet apart, and the leaves to each plant were not to exceed six in number. The master of a family was to be allowed to produce only two hundred pounds, and each servant only one hundred and twenty-five. In preparing the tobacco for shipment, the stalks were to be carefully excluded. The quality of the leaf was to be examined by viewers who had been sworn to a strict performance of their duty, and all found to be of a very mean grade was to be thrown out.[2]

The Governor and Council in February, 1628, expressed their approval of the projected sale of the tobacco of the Colony to royal commissioners,[3] and in the following month the General Assembly took the same position in replying to the royal letter of August, 1627, but their consent was subject to certain conditions. They proposed that, for a period of seven years, the King should purchase annually five hundred thousand pounds at the rate of three shillings and six pence a pound, to be delivered in Virginia, no charge to be made for freight and duty; or four shillings if it was to be delivered in London, the planters to bear the expense of transportation but to be exempt from the payment of customs. They were to enjoy the right to sell in Holland, Ireland, Turkey, and other foreign parts, all tobacco produced by them in excess of five hundred thousand pounds. The leaves to a plant

[1] *British State Papers, Colonial*, vol. IV, No. 32; *Sainsbury Abstracts for 1627*, pp. 163, 164, Va. State Library.

[2] Attorney-General Heath to Governor Yeardley, *British State Papers, Colonial*, vol. IV, No. 33; *Sainsbury Abstracts for 1627*, p. 165, Va. State Library.

[3] Governor and Council to Attorney-General Heath, *British State Papers, Colonial*, vol. IV, No. 40; *Sainsbury Abstracts for 1627–28*, p. 171, Va. State Library.

were to be restricted to twelve, the number now permitted amounting to thirty. As the population of the Colony at this time was close upon three thousand, the quantity prescribed by the King for each master of a family and for each servant, that is to say, two hundred, and one hundred and twenty-five pounds respectively, was insufficient to maintain the people in comfort and ease. The number of plants allowed to each head was reduced to the lowest point consistent with this end, and to ensure the excellence of the tobacco to be exported, sworn triers were appointed to pass upon the quality of the leaf produced, and to destroy what was inferior in character.[1]

The conditions advanced by the colonists do not seem to have been acceptable to Charles, as there is nothing to show that the proposed arrangement was consummated. It is doubtful whether at heart they were more eager to enter into a contract with him than they had been with Mr. Ditchfield and Mr. Amis and their associates. In the letter to the King bearing date March 28, 1628, to which reference has been made, the General Assembly declared that during the last six years they had "perpetually labored in the confused paths of labyrinths" of tobacco contracts.[2] In the same month they had expressed to Lord Delaware their grateful sense of his earnest and successful efforts to annul the different arrangements which had been made for the disposition of their only staple.[3] Influenced by this feeling, it is not likely that they looked upon an

[1] Answer of the General Assembly to Proposition of the King, *British State Papers, Colonial*, vol. IV, No. 45; *Sainsbury Abstracts for 1628*, pp. 176–179, Va. State Library.

[2] *British State Papers, Colonial*, vol. IV, No. 45; *Sainsbury Abstracts for 1628*, p. 176, Va. State Library.

[3] Governor and Council to Lord De La Warr, *British State Papers, Colonial*, vol. IV, No. 47; *Sainsbury Abstracts for 1628* p. 181, Va. State Library.

agreement with Charles with unreservedly favorable eyes, although a mingled fear and loyalty prevented them from giving free utterance to their views beyond stating firmly what they considered to be the only provisions consistent with the prosperity of the people, provisions expected quite probably to be unacceptable to the King.

It was not until near the close of the fourth decade of the century that another important attempt was made by private individuals, acting with the countenance of the English Government, to enter into a contract for the tobacco of Virginia. It was proposed at that time by Lord Goring and his associates, to purchase from the planters sixteen hundred thousand pounds at the rate of six pence a pound, delivered in the Colony, or at the rate of eight pence, delivered in England, an offer which shows how great had been the decline in the value of the commodity since 1628, when the prices had been under the same circumstances three shillings and six pence in Virginia, and four shillings in London. The terms of the Goring proposition received the approval of a number of planters who were in England at the time, including such men as George Sandys. William Tucker, John West, William Claiborne, Samuel Mathews, and William Pierce. The grounds upon which their approval rested were, that the planters would by the terms of this contract secure a profit of four pence on their tobacco, which would amount in the aggregate to nearly twenty-seven thousand pounds sterling; that one-half of the usual labor in the production of a crop would be saved, and finally, that the quality of the leaf would be so much improved as to make it difficult to distinguish it from the highest grades of the Spanish.[1] In spite of the great weight

[1] Humble Remonstrance of Divers of the Principal Planters in Virginia, *British State Papers, Colonial*, vol. IX, No. 100; *Winder Papers*, vol. I,

which the action of men as well and as favorably known in the Colony as these were, might have been expected to have under any circumstances, the Goring contract met with the strongest opposition in Virginia, Secretary Kemp going so far as to say that if it were carried into effect, the shipping engaged in the trade between England and the Colony would decline to the small proportion of the very few vessels which the contractors would require.[1]

In 1627, the cultivation of tobacco in England was again prohibited.[2] It was admitted that at this time large quantities were grown in several parts of the kingdom, and so determined were many persons engaged in this branch of agriculture, that in some cases the officers who were sent out to destroy the plants were, when they attempted to do so, severely beaten by the owners.[3] The efforts to enforce the law were only partially successful; in 1630, so much tobacco was produced in England that a memorial was addressed to the English authorities by the Governor of Virginia, urging the passage of an Act of Parliament to suppress its cultivation, as the royal proclamation had proved so ineffective. The amount planted in England was represented to be increasing, and it was asserted that if this were permitted to continue, the English settlements in America would fall into permanent ruin; already the sale of the leaf

p. 124, Va. State Library. In 1634, Charles appointed commissioners who were to make an offer to the planters of Virginia for all the tobacco they should produce for sale. He gave as his reason for this action that the people being "heavily mulcted in their dealings with the English merchants," were influenced to enter into trade with foreign countries, thus depriving the King of the full amount of the customs to which he was entitled.

[1] *British State Papers, Colonial,* vol. IX, No. 96; *Sainsbury Abstracts for 1638*, p. 7, Va. State Library.

[2] Anderson's *History of Commerce*, vol. II, p. 321.

[3] *British State Papers, Colonial*, vol. VIII, No. 85.

imported from Virginia had been seriously obstructed by the volume of the English crop.[1] The object which this memorial had in view had the warm approval of the King. No customs were payable upon the tobacco produced in England; in discouraging the importation from Virginia and the Bermudas by weakening the market, the volume of the royal revenue was diminished. In January, 1631, Charles issued a second proclamation forbidding the cultivation of the plant in England, and prohibiting the introduction of the foreign commodity unless the person bringing it in could show a royal license.[2] New duties were now imposed upon all the tobacco imported. The charge for the Spanish product was two shillings a pound, for that of Barbadoes and the other English possessions in the West Indies, twelve pence, while for the product of Virginia and the Bermudas it was nine pence, three of the nine being levied as customs, and six as imposts.[3] The duty was reduced at a later date to two pence for subsidy, and two pence for impost.[4]

In spite of the earnest protests and the prohibitory measures of the English Government, the exportation of tobacco to Holland continued. As early as 1627, the masters of all vessels departing from the Colony with cargoes made up of this commodity were required to deliver to the authorities before weighing anchor invoices of their loading, and to give security that they would convey it to the port of London. The necessity of this was strongly enforced in a letter from the Privy Council to the

[1] *British State Papers, Colonial*, vol. V, No. 84; *Sainsbury Abstracts for 1630*, p. 214, Va. State Library.

[2] Proclamations of Charles I, No. 138.

[3] *British State Papers, Sign Manuals, Charles I*, vol. XII, No. 44; *Sainsbury Abstracts for 1630-31*, p. 235, Va. State Library.

[4] *British State Papers, Sign Manuals Charles I*, vol. XIII, No. 86; *Sainsbury Abstracts for 1631*, p. 29, Va. State Library.

Governor of Virginia written in the winter of 1631.[1] There was at this time no objection on the part of the English Government to the exportation of tobacco from the Colony in Dutch bottoms, provided that it was brought to the mother country and passed through the custom house previous to its re-exportation. The object which the Privy Council had in view was to secure the full amount of the duties.[2] The instruction to Harvey to require the masters of all vessels leaving Virginia to transfer their cargoes to England, under penalty of a heavy fine if they failed to do so, was repeated in 1633,[3] although he had earnestly requested in the name of the planters, in the previous year, that entire liberty should be allowed them in seeking a market. Special orders were given to Captain John Pennington, who was in command of the English ships in the Channel, to stop all vessels from the plantations which were making their way towards the North and to compel the masters to bind themselves to land their cargoes in some port of the kingdom.[4] It will be seen from the tenor of this order that the requirement laid down in the proclamation of Charles in 1630–31 that all the tobacco brought from Virginia was to be imported into

[1] *British State Papers, Colonial*, vol. VI, No. III.

[2] The language used in the letter of the Privy Council was as follows: "You are to give order that none, either English or stranger, be suffered to take any tobacco from thence without giving sufficient bond with sureties to bring it all to the Port of London and to no other port or place within or without this kingdom." A royal proclamation, issued in 1624, had declared that all tobacco imported into England in foreign bottoms should be confiscated. Rymer, XVII, pp. 623, 624. This provision, it would seem from the use of the word "stranger," was disregarded by the colonists.

[3] See Letter of Sir John Wolstenholme to Privy Council, Aug. 14, 1633, *British State Papers, Colonial*, vol. VI, No. 80; *Sainsbury Abstracts for 1633*, p. 46, Va. State Library.

[4] Proclamations of Charles I, No. 138.

London alone, had now been withdrawn. It seems to have been the common practice for ships arriving from the Colony to touch at Cowes in the Isle of Wight for the purpose of making a nominal compliance with the terms of their bonds, and then, after changing masters, to direct their course towards the Low Countries. It was these vessels chiefly which Captain Pennington was instructed to intercept. In some instances, they were detained at Cowes until they could give good security that they would convey their cargoes to the port of London and there submit to the imposition of the regular customs.[1] Governor Harvey himself was charged with permitting Dutch vessels to take tobacco on board in Virginia without requiring the legal assurance that they would proceed to England, but this he denied with great earnestness.[2] In 1635, the Admiral in command of the English Channel, the Earl of Lindsay, received the same orders as Captain Pennington in 1633, with reference to the stoppage of all ships from the English plantations which sought to carry their cargoes to Holland without having paid the duties prescribed.[3]

In 1636, there was a disposition on the part of the English Government to prevent the Dutch from becoming exporters of Virginian tobacco, even though the fullest security as to the payment of the customs due upon their loading was given, the encouragement of shipping being alleged as one of the principal reasons for restricting the

[1] Francis Brooke to Farmers of Customs, *British State Papers, Colonial*, vol. VIII, No. 6; *Sainsbury Abstracts for 1634*, p. 58, Va. State Library.

[2] Proceedings of Privy Council, Dec. 11, 1635, *Dom. Cor. Charles I*, vol. 303, No. 19; *Sainsbury Abstracts for 1635*, p. 139, Va. State Library.

[3] Lords of the Admiralty to Earl of Lindsay, *Dom. Cor. Charles I*, vol. 264, folio 128; *Sainsbury Abstracts for 1635*, p. 100, Va. State Library.

conveyance of all the commodities of the colonies to English bottoms. The instructions transmitted to both Wyatt and Berkeley,[1] whose terms of administration preceded the surrender to Parliament in 1651, directed them to take bonds of the masters of vessels leaving Virginia which would compel them to land their cargoes in England. It required special permission to make it legal for shipmasters to stop at any of the English colonies in the course of their outward voyage; this was sometimes asked when the planters or merchants did not have a sufficient number of vessels in which to transfer their tobacco to England, and in consequence were forced to transport it first to the North.[2] In spite of these precautions, a large quantity found its way to Holland, thus evading the customs to which it would have been subject had it been conveyed directly to London.[3]

In the years immediately following the publication of the first proclamations which prohibited the bringing of Spanish tobacco into England, a great quantity of this commodity was drawn from the Spanish West Indies and secretly carried into the port of London along with the cargoes from the Bermudas. Just as the importation of the Virginian leaf into Holland affected the royal revenues injuriously by diminishing the customs, so the importation of the Spanish leaf into England lowered the price of the Virginian product, not only by increasing the quantity of tobacco offered for sale in the English markets, but also by introducing a grade of better quality. The opinion was prevalent for a long time after the dissolution of the

[1] Berkeley's first term.

[2] *Randolph MSS.*, vol. III, p. 233.

[3] Instructions to Governor Berkeley, 1641, *McDonald Papers*, vol. I, p. 387, Va. State Library. See also *Virginia Magazine of History and Biography*, vol. II, p. 287.

Company, that the tobacco of the Spanish colonies was of a finer texture than that of the English. Twenty years later, the greatest praise a writer of that date could pass upon the Virginian product and the improvement that had taken place in its character, was to say that there were several varieties of it equal to the most delicate exported from the American possessions of Spain.[1] This was undoubtedly an exaggeration, the superiority of the tobacco of the West Indies in at least one of its manufactured forms being maintained to the present day. The record of the prices of smoking tobacco in England throughout the greater part of the seventeenth century shows that the Spanish leaf was considered to be of the finer quality. In 1633, it commanded in England, when sold for smoking purposes, twelve shillings and three pence a pound; in 1652, seven shillings; in 1657, ten; in 1674, eight; in 1685, six; in 1687, seven. The average price was nine shillings and three and a half pence. The average price of smoking tobacco manufactured from the leaf of Virginia was two shillings and two and one quarter pence. This striking difference was far from being due entirely to the heavier duty laid on the Spanish product in the English custom houses, amounting to six pence a pound up to 1685. On Virginian tobacco, the impost was one penny. Subsequent to this year, it was increased, in the instance of Spanish, to one shilling, and of Virginian, to four pence.[2]

[1] Leah and Rachel, p. 19, Force's *Historical Tracts*, vol. III. John Bland, in his well-known "Remonstrance on behalf of the colonists of Virginia and Maryland" against the Navigation Act of 1660, asks: "Have we not in this Nation by reason of the dearness and sophistication of Virginia's tobacco, accustomed ourselves so to Virginia's, that little Spanish, though much better, is spent amongst us at this day?" See Virginia and Act of Navigation, *Virginia Magazine of History and Biography*, vol. I, p. 147.

[2] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 468.

The tobacco of Virginia was shipped to England in general bound up in loose bundles, or packed in casks of different sizes. It is stated that when Captain Grey in 1629 sold to the colonists the negroes whom he had seized on board an Angola slaver, he obtained in return for them eighty-five hogsheads and five butts.[1] The roll, however, was not uncommon at this time or a few years later.[2] One of the strongest grounds of opposition to contracts was that such agreements required that the tobacco should be prepared for transportation in this shape. It would seem that there were several reasons for objecting to the roll, both on the part of the planter and of the English or foreign purchaser. To compress the leaf into this form made necessary a degree of manipulation that prolonged the process beyond the time to which its shipment was by law restricted; it not only led to great delay and imposed serious labor, but it also caused much waste. The interests of the buyer were impaired by the fact that the shape of the roll allowed worthless leaf to be introduced with it in a position difficult to detect without breaking the whole mass; foreign substances could also be inserted with a view to increasing its weight.[3] The wrapper was a recognized term as early as 1625, tobacco of the finest quality bearing this name being doubtless used for the outer covering of the roll. It is not strange to find that the leaf when tied in bundles sold more readily, and at higher prices in all of the foreign markets than when made up in a more compact form.[4]

[1] *Dom. Cor. Charles I*, vol. 105, No. 35. See Chapter on Slaves.

[2] *Records of Lower Norfolk County*, Court Orders, May 25, 1640, folio p. 16.

[3] Governor Yeardley to the Privy Council, *British State Papers, Colonial*, vol. IV, No. 21; *Sainsbury Abstracts for 1627*, pp. 155, 156, Va. State Library.

[4] Considerations Touching new Contract of Tobacco, *British State*

The exclusion of the Indians from the valley of the lower James, which was complete almost as early as 1627, by making them more dependent on the chase, led to the destruction of the numerous droves of hogs that at one time roamed in the forests.[1] So scarce had those running wild become by 1631, that a law was passed prohibiting any one from killing them beyond the boundaries of his own plantation, but the strictness of this provision was modified in the instance of a person who could show that he had recently destroyed a wolf.[2] To such a person alone was the right to kill a wild hog allowed, and it was allowed to him only on account of the great importance of reducing the number of wolves in the ranges of the settlements, where they inflicted great damage upon every kind of live stock. The planters, however, still had a great abundance of tame swine. No householder at this period was so sunk in poverty as not to possess a few of these animals.[3]

Cattle of all kinds in Virginia were now supposed to number from two to five thousand.[4] The price of an ox in the Colony at this time was three hundred shillings, a difference of many shillings as compared with the lower price of the same animal in England.[5] The herd of Governor Yeardley during his last administration was composed of twenty-four head, each cow or ox, since so large a herd must have included individuals of both sexes, being worth fifteen pounds.[6] In England at this

Papers, vol. III, No. 32; *McDonald Papers*, vol. I, p. 150, Va. State Library.

[1] *Works of Capt. John Smith*, p. 885.

[2] Hening's *Statutes*, vol. I, p. 199.

[3] *Works of Capt. John Smith*, p. 885.

[4] *Ibid.*, p. 887.

[5] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 349.

[6] Certificate of Thomas Gibbes and Samuel Wrote, *British State*

period, the average value of female horned cattle did not exceed one-half the average value of oxen;[1] Governor Yeardley himself is represented as having bought in his native country a cow for seven pounds sterling, eight pounds less than the valuation at which the same animal would have been held in Virginia.[2] Three hundred and seventy-five dollars for fully grown horned cattle, for such was approximately the purchasing power of fifteen pounds sterling in the early part of the seventeenth century, was an extraordinary price, only to be explained by the comparative scarcity of these beasts, and the usefulness

Papers, Colonial, vol. V, No. 15, I; *Sainsbury Abstracts for 1629*, p. 197, Va. State Library. This document in full will be found in *McDonald Papers*, vol. II, p. 10, Va. State Library. The details given in it throw light on cattle-raising in the Colony at this time. In 1629, a claim was entered against the estate of Sir George Yeardley by one Rossingham. It was referred by the Privy Council to Messrs. Gibbes and Wrote, who reported, "Whereas the petitioner relyed upon accompt for his stock then remaining in Sir George Yeardley's possession, as is testified by a postscript in a letter under his own hand, March 5th, 1621, in these words: 'My ladie sends you word your stock of cattle increaseth well, your old having calved this tyme this year &c.,' and also by the testimonie of Mr. John Martyn, servant to said George Yeardley, and then resident in Virginia, testifying the petitioner then to have had fower neate beasts, three of them cowes and heyfers, and the fourth a calf, of what kind he knows not, the offspring whereof in seven years (for then they were all sold) in an ordinary increase allowing some loss for casualties, notwithstanding it is testified by John Pory and John Martyn that cattle then doth both increase and prosper exceeding well, would with themselves have well amounted unto twenty-four, every head being worth in Virginia 15£, and so bought and sold the whole number amounting to 360£, and we are of opinion that the said Sir George Yeardley might well allow him a herdsman to keep his cattle, considering the petitioner was employed by him most part of said time."

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 333.

[2] Certificate of Thomas Gibbes and Samuel Wrote, *British State Papers, Colonial*, vol. V, No. 15, I; *McDonald Papers*, vol. II, p. 14, Va. State Library.

of the purposes which they served in the Colony. There the cow was in as much demand as the ox, and in consequence its price was as high. The great desire felt among the settlers that every means should be adopted to promote the increase of their live stock is shown in the passage of the law, that no female cattle were to be killed unless they had ceased to breed, or were stricken with a disease or infirmity that would inevitably end in death. The term "cattle" was here intended to apply to horses and sheep as well as to hogs, cows, and oxen.[1] Already neat cattle were occasionally drawn away from the older parts of Virginia. In 1631, William Claiborne transferred to Kent Island in the Chesapeake Bay a small herd which had been ranging at Kecoughtan.[2] It is probable that no oxen had as yet been sent from the Colony to Barbadoes, but in a few years, when the need of draught animals for the sugar-mills in that island had become urgent, petitions were entered in the House of Lords asking permission, in order to meet this need, to export from Virginia as many as a hundred head in a single cargo.[3]

The number of horses in the Colony at this time must have been very insignificant. Among the commodities which Charles the First, in 1627, urged the people of Virginia to produce were pitch and tar, but the Governor and Council replying in the following year to the royal communication, declared that the planters were unable to comply with the King's commands because they lacked horses with which to transport the wood to sites where the kilns could be erected.[4] Sheep must have been still fewer in number, not only because the original stock was

[1] Hening's *Statutes*, vol. I, p. 153.
[2] Archives of Maryland, *Proceedings of Council*, 1667–1687, p. 222.
[3] *Royal Hist. MSS. Commission*, Sixth Report, Appendix, p. 203.
[4] *Randolph MSS.*, vol. III, p. 212

small, but also because the pasturage was limited, and the danger of attack by wolves was always present. No law had as yet been passed offering a reward for the destruction of the latter; the only means adopted by the colonists as a protection against them was to appoint servants to look after all the cattle in the possession of their masters. The cattle of William Pierce [1] and Adam Thoroughgood [2] were guarded in this manner, their keepers being men of matured years, who had the strength and courage to resist the depredations of wild animals upon the herds in their charge. Many of the planters were owners also of large numbers of goats. Captain Thoroughgood left to his heirs one hundred and seven, for the safety of which a man of thirty years of age and a boy of sixteen had been constantly employed by him.[3] In 1637, Joseph Ham, of York County, bequeathed to his children thirty kids, to be divided equally among them, and to his wife twenty-one goats.[4] The full-grown animal at this time was valued at ninety-five pounds of tobacco, or fifteen shillings, and the kid at seventy-five pounds of tobacco, or twelve shillings.

As a barrier against bands of marauding Indians, it had

[1] Governor Harvey to Secretary Dorchester, *British State Papers, Colonial*, vol. VI, No. 11; *McDonald Papers*, vol. II, p. 68, Va. State Library.

[2] *Records of Lower Norfolk County*, original volume for the years 1642 and 1643, folio page 19. The name of the keeper in the employment of Captain Thoroughgood was Rowland Morgan, who was twenty-five years of age.

[3] *Records of Lower Norfolk County*, original volume for the years 1642 and 1643, folio page 38.

[4] *Records of York County*, vol. 1633–1694, pp. 11, 12, Va. State Library. When, in 1633, the Dutch captain Devries set sail from Jamestown on his return voyage, he was presented by the Governor of the Colony with six goats and one ram. Devries' *Voyages from Holland to America*, p. 52.

been suggested, as early as 1623, that a pale should be built from a point on James River, in the limits of Martin's Hundred, to Cheskiack on the Charles, a distance of six miles;[1] by this means, an area that was three hundred thousand acres in extent would be enclosed, furnishing a vast body of land to serve as a range for cattle. It could also in part be used for supporting a large population. In 1626, Samuel Mathews and William Claiborne offered to erect the palisade, and to build houses at a short interval along its line; they calculated the whole cost of construction at twelve hundred pounds sterling, and the expense of maintaining the houses and the palisade in good repair at one hundred pounds sterling a year. They required, as a condition of their contract to carry out this project, that a grant should be made to them of the soil along the line of the palisade to the extent of six score poles on either side. Within these limits, they were to seat men, who would perform the important service of guards. The design at the time was to raise a large stock of oxen, horses, and asses in this protected enclosure, to be used in expeditions against the Indian tribes inhabiting the surrounding country.[2] The proposition of Mathews and Claiborne, which was made to the Governor and Council, was reduced to writing, and in the same year forwarded to the authorities in England for approval.[3]

In 1630, the price of Virginian tobacco sank to less than one penny a pound.[4] The planters had for several years found themselves cultivating this crop at little if any

[1] *Randolph MSS.*, vol. III, p. 172.

[2] A Proposition Concerning the Winning of the Forest, *British State Papers, Colonial*, vol. IV, No. 10, II; *Sainsbury Abstracts for 1626*, p. 145, Va. State Library.

[3] This communication is printed in the *Virginia Magazine of History and Biography*, vol. II, pp. 50–55.

[4] Governor Harvey to Privy Council, *British State Papers, Colonial*,

profit, and this had the effect which the numerous proclamations and instructions previously issued to discourage its production had failed to bring about; there was now for the first time in the history of the Colony a voluntary disposition among the people to devote some attention to other commodities that had hitherto aroused but little interest. There was a considerable extent of land in Virginia which, from a previous course of tillage, had been sufficiently deprived of its fertility to be left in an excellent condition for the growth of wheat; it now occurred to many of the planters that instead of allowing this land to revert to forest, or instead of putting it down in a succession of crops of maize until wholly exhausted, it would be advisable to sow it in English grain. This course had already for several years been followed by Abraham Piersey, who in one year alone, 1627, had two hundred acres in wheat and as many in barley, the product of this area of soil being so great that he was able to furnish food daily at his own charge to sixty persons.[1] The authorities sought to confirm this disposition to give less attention to tobacco. In 1628, there was issued a proclamation that only so much of this commodity should be cultivated as would not interfere with the production of grain;[2] in 1629, the amount to be raised was restricted to three thousand plants a head, workers in the ground alone being considered, but as this would have been unjust to families composed in large part of women and children, who were incapable of laboring in the fields, one thousand plants additional per poll were allowed in the

vol. V, No. 95; *Sainsbury Abstracts for 1630*, p. 221, Va. State Library. This extraordinary decline was said to have been due to the increase in the area under cultivation in tobacco in Barbadoes, Mevis, St. Christopher, and Bermudas.

[1] *Works of Capt. John Smith*, p. 885.

[2] Hening's *Statutes*, vol. I, p. 130.

latter instances. The supreme importance of tobacco as a means of securing a livelihood was indicated in the refusal of the Assembly, in 1629, to prohibit new comers from cultivating it, although at this time the authorities had the strongest desire to diminish the quantity produced.[1] The heaviest punishment which the Assembly supposed they could inflict upon the French vine-dressers, who had been brought into Virginia in the time of the Company, and who had been subsequently accused of concealing their knowledge, was to refuse to grant them permission to cultivate tobacco, to which the vine-dressers, who had leased some of the public lands, had probably turned as the most direct means of earning a subsistence.[2] The use of the leaf as a substitute for specie, a use rendered necessary by the fact that the planters did not receive money for their products, but articles for consumption, or bills of exchange payable in England in coin, which rarely found its way back to the Colony, was one of the most powerful influences leading the Virginians to give such absorbing attention to the cultivation of this staple. It was not simply a perishable crop which sold at varying rates in the English and Dutch markets; it was money with an intrinsic value, like gold and silver, and as necessary for exchange as any kind of currency.

One of the most notable results of the fact that an important proportion of the tobacco of the Colony was produced by planters who had recently arrived in Virginia, was the reduction in the average quality of each annual crop. The servants of the new planters were as a rule as ignorant as themselves in the beginning. While some of the immigrants were prudent enough to wait until they had acquired by actual observation, or personal experience in the field, a knowledge of the proper manner

[1] Hening's *Statutes*, vol. I, p. 141. [2] *Ibid.*, p. 161.

of tending tobacco, and of manipulating it after it had been removed from the hill, the largest number proceeded immediately after their arrival to cultivate it, although it was a plant foreign to any agricultural training which they had previously received in England. This was only one of the many causes of the production of so much of the commodity belonging to the lowest grades.

The finest tobacco was spoken of as the long sort, which the colonists were especially commanded to cultivate, all other kinds being strictly prohibited.[1] The manner of curing the leaf was still defective, because the experience of the oldest planters did not extend over the course of a generation, and the great body of that class had been engaged in the culture of tobacco only for a few years. There were as yet no extensive set of rules founded upon comparative observation, and transmitted with constant enlargement from decade to decade. Knowledge acquired during a long course of time has shown, that half the virtue of the plant lies in its manipulation after the leaves are gathered, and it may be easily seen that the rude methods of the early Virginian planters would do little to improve the original quality of the commodity.

It was thought by the English merchants that the inferiority of the Virginian to the Spanish leaf was due entirely to the ignorance and carelessness of the planters, and their repeated complaints led to the passage of a strict inspection law. The first statutory regulation established in Virginia, looking to the destruction of the lowest grades, was adopted at the meeting of the first Assembly in 1619. It was then enacted that all the tobacco brought to the Cape Merchant, to be exchanged for goods of various sorts, should be carefully examined by four viewers, two of whom were to be appointed by

[1] Hening's *Statutes*, vol. I, p. 205.

the Cape Merchant, and two by each corporation in whose boundaries a branch magazine was seated. The leaves found to be worse in quality than those appraised at eighteen pence a pound, which were the most inferior that the adventurers of the general magazine were willing to purchase, were to be burnt on the spot.[1] This provision, although well adapted to improve the character of the tobacco exported, does not appear to have been enforced after the abolition of the general magazine in the following year. In 1621, the Company urged upon the attention of the authorities in Virginia the necessity of destroying the meanest grades, and allowing only what was excellent in quality to be shipped to England.[2] No inspection law, even in a greatly modified form, seems to have been in operation in the interval of ten years preceding 1630. At the meeting of the General Assembly in the spring of that year, in order to prevent the exportation of bad tobacco, it was provided that the commander of each plantation should summon two or three men, of sound judgment and extensive experience, to inspect whatever leaf had been offered in payment of debts, and had been found to be mean by the creditor, and that if the viewers should reach the same conclusion, it was to be burnt. The delinquent should be disbarred from planting a second crop unless his disability was removed by the General Assembly.[3]

This law contained a number of serious defects which led to its amendment. It was not to be expected that the commander would be very rigid in passing upon the quality of his neighbor's tobacco. Not only was it always likely that a feeling of personal kindness and friendship

[1] Lawes of Assembly, 1619, *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 24.

[2] Neill's *Virginia Company of London*, p. 244.

[3] Hening's *Statutes*, vol. I, p. 152.

would come in to soften his judgment, but an impulse of humanity, also, would probably not infrequently cause him to be extremely lenient, the planter producing the inferior crop, perhaps from no fault of his own, being absolutely dependent upon its sale for the necessaries of life for himself and his family. By the terms of the amended law of 1632, the commander was to take no direct part in the inspection, his duty extending only to the appointment of two competent viewers, who were to report to him the result of their examination. To compel him to make this appointment, even when his inclinations were strongly averse to doing so, he was, in case of failure to conform to the statute, to be deprived during the course of twelve months of all right to hold office.[1]

The law was amended still more radically at the session of the General Assembly held in the winter of 1632–33. It was stated, that the object of the additional change was to raise the price of the exported tobacco by improving its quality. Inspection was to be made at five different points in the Colony, that is to say, at James City, Shirley Hundred Island, Denbigh, Southampton River in Elizabeth City, and Cheskiack. At each of these places, a store or warehouse was to be erected. Hither all the tobacco produced was to be brought by the planters previous to the last day of December in each year. Here it was to be carefully inspected, and all belonging to the meanest grade was to be taken from the great mass and burnt. This duty was to be performed once a week by men who were acting under oath, one of whom was always to be the member of the Council whose home was nearest to the particular warehouse. The tobacco judged to be vendible was to be stored away, the ownership to be recorded in the list of accounts to be kept for that

[1] Hening's *Statutes*, vol. I, p. 190.

purpose; and it was only to be withdrawn to be carried on board ship and transported out of Virginia. All tobacco found in the barns of the planters, after the thirty-first day of December, was to be confiscated, unless reserved for the use of their families, a fact to which they were required to swear before the proper officers previous to the closing day of the year. The warehouses appear at this time to have been designed wholly for the storage of leaf, as by the provisions of the law under the authority of which they were to be erected, the goods imported into the Colony were to be landed only at Jamestown, where all the contracts, bargains, and exchanges for any part of this merchandise were to be made. The right, however, was granted to the planters to pay their debts at the warehouses.[1]

At the session of the General Assembly held in the course of the summer following the passage of these amendments of the inspection law, further changes were introduced. The number of warehouses to be erected was increased from five to seven, the additional two to be built, one at Warrasquoke, and the other at a point lying between Wyanoke and the Falls. The viewers to serve at each warehouse were to include not only the member of the Council whose residence was situated the nearest to it, but also the commissioners of the local court, with whom assistants duly appointed were to be joined, and they were to make an inspection of the leaf brought in as often as its volume required.[2] Each warehouse was to be in charge of a storekeeper, whose remuneration for his superintendence was to be one per cent of what was placed in his official care.[3]

It would appear that the requirements of the inspection

[1] Hening's *Statutes*, vol. I, p. 204. [2] *Ibid.*, pp. 209–213.
[3] *Ibid.*, p. 221.

law, as to the condemnation to the fire of all unmerchantable tobacco, were to some extent enforced,[1] but the proof as to whether the warehouses were erected is not so positive. In 1638, only a few years after the provision as to the construction of the seven buildings for storage was adopted, the burgesses are found objecting to the great inconvenience of transporting their annual crop to different warehouses, which would have been necessary if the contract with the King for the purchase of the whole product of the Colony, at that time under advisement, had been carried out.[2] They proposed that, instead, inspectors should be named for each neighborhood. The suggestion does not seem to have been favorably received, for there is evidence that in 1641, a storekeeper was appointed for the limits of Lynhaven in Lower Norfolk, and also one for Elizabeth City, and in both instances they were required to give security that the tobacco placed in their respective warehouses would be carefully guarded.[3]

The effort to improve the quality of the tobacco exported was not confined to regulations making the burning of the meanest grades compulsory. Not only were the number of plants to be cultivated to the head pre-

[1] Letter of Governor Harvey to Secretary Windebank, *British State Papers, Colonial*, vol. IX, No. 82; *Sainsbury Abstracts for 1637*, p. 216, Va. State Library. The expression used by Harvey is: "He can give many instances of his strictness in that course, (*i.e.* condemning to the fire) both last year and this." This letter was written Jan. 29, 1637–38.

[2] *British State Papers, Colonial*, vol. IX, No. 96, II; *Winder Papers*, vol. I, p. 109, Va. State Library.

[3] "Whereas Robert Smith hath petitioned to this Court to be Storekeeper for the Limits of Linhaven . . . it is, therefore, ordered that the said Smith shall supplie ye place of ye said storekeeper according to acts of Assembly, provided that he puts in security for ye safe keeping of the tobacco after it is put in the store." *Records of Lower Norfolk County, 1637–1642*, folio page 46. This reference is also the authority for the statement as to the appointment of a storekeeper in Elizabeth City.

scribed in the inspection law of 1629–30, but also in the different amendments which from time to time were made to it. The law itself restricted the number to be raised to two thousand for every individual in a family, women and children inclusive.[1] A subsequent Act prohibited those who were not engaged in the cultivation of the leaf to transfer to persons who were, their right of planting. The landholder was required to procure either a neighbor, or some competent stranger, to count the plants in his fields, and to certify the result to the commander of the place, and if he was found to have exceeded the number allowed, the commissioners were to order the destruction of his whole crop.[2] The leaves were to be limited to nine in the gathering, and under no circumstances were the suckers springing up from old stalks to be tended. In 1633, the number of plants to the poll to be cultivated was reduced to fifteen hundred.[3]

The effect of these various regulations, whether strictly enforced or not, must have been on the whole very influential in improving the quality of the tobacco, the need of which, at the beginning of the fourth decade of the seventeenth century, was just as urgent as it was in the middle of the third. In a proclamation issued in 1631, it was stated that an increasing quantity of the commodity was imported secretly into England from the Brazils and the Spanish provinces in America, and this was most probably in response to a continued demand for the highest grades, because Virginia, independently of the Bermudas, could easily have furnished the whole amount required by English consumers.

Harvey began his administration of the affairs of Virginia in the spring of 1630. He had brought over the usual instructions to promote a diversification of the com-

[1] Hening's *Statutes*, vol. I, p. 152. [2] *Ibid.*, p. 164. [3] *Ibid.*, p. 205.

modities of the Colony. When he arrived, he found that the people were suffering from a great dearth of grain, owing to the excessive attention paid to the culture of tobacco.[1] In March, 1629–30, a stringent regulation had been adopted, requiring that at least two acres of grain for every person who was engaged in actual work in the ground should be planted. In the interval preceding the harvest of the crop of 1630, Harvey dispatched a vessel as far as Cape Fear to procure a supply of Indian corn, and he also sent an agent on a voyage in the Chesapeake Bay, with a cargo of merchandise of various sorts to be used in trading for maize with the Indians. Three hundred bushels were obtained by this means, which were devoted to the present relief of the colonists, thus assuring the preservation of the grain in the fields until it had fully ripened. The danger of the famishing people falling upon the unmatured maize, and thus not only exposing themselves to the risk of sickness in eating it, but also exhausting the store which ought to be kept for the following winter, was in this way entirely removed.[2] In consequence of this prudent management, the crop of Indian corn in Virginia in a short time amounted to many thousand bushels, furnishing an abundance even for new comers.[3] Maize now commanded two shillings and six

[1] Governor Harvey to Secretary Dorchester, April 15, 1630, *British State Papers, Colonial,* No. V; *McDonald Papers*, vol. II, p. 31, Va. State Library.

[2] Governor Harvey to Secretary Dorchester, May 29, 1630, *British State Papers, Colonial*, vol. V, No. 94; *Sainsbury Abstracts for 1630*, p. 218, Va. State Library. In *McDonald Papers*, vol. II, p. 44, Va. State Library, there will be found a full copy of Governor Harvey's letter to the Privy Council, October, 1630 (*British State Papers, Colonial*, vol. V, No. 95), from which some of these details were obtained.

[3] Council of Virginia to Privy Council, *British State Papers, Colonial,* vol. VIII, No. 3; *Sainsbury Abstracts for 1634*, p. 52, Va. State Library.

pence a bushel.[1] In a commission which Governor Harvey gave to Nathaniel Basse in 1631, he was authorized to visit New England, Nova Scotia, and the West Indies, and to offer to the inhabitants of those plantations, grain at twenty-five shillings a barrel delivered there, or fifteen shillings delivered in the Colony. Similar commissions with the same orders were granted to persons to trade in Canada and the Dutch settlements.[2] According to one authority, ten thousand bushels of Indian corn were shipped to New England alone in 1634. So abundant did grain become in the Colony, that Governor Harvey described Virginia as bearing the same relation to the northern provinces as Sicily bore to Rome.[3] Special regulations were adopted with respect to the boats employed in its transportation; they were to be of a burden of ten tons at least, and to be built with flush decks, unless fitted with grating and tarpauling.[4] It is not probable that wheat formed an important part in this exportation of grain. In 1632, seed wheat was so scarce in Virginia that Harvey, who was anxious to show unusual zeal in enlarging the number of its agricultural products, admitted that he was dependent on a supply from the mother country if he was to carry out the instructions of the English authorities with reference to sowing it.[5] He had but a short time before expressed a determination to restrict his own

[1] *Royal Hist. MSS. Commission*, Fourth Report, Appx., pp. 290, 291.

[2] *Randolph MSS.*, vol. III, p. 219.

[3] Governor Harvey to Secretary Windebank, *British State Papers*, vol. VIII, No. 22; *Sainsbury Abstracts for 1634*, p. 71, Va. State Library. See also letter of John Winthrop, Jr., in *Mass. Hist. Coll.*, vol. VIII, 5th series, *Winthrop Papers*, Part IV.

[4] Hening's *Statutes*, vol. I, p. 175.

[5] Governor Harvey to Privy Council, Feb. 20, 1632–33, *British State Papers, Colonial*, vol. VI, No. 73; *Sainsbury Abstracts for 1632*, p. 41, Va. State Library.

agricultural operations to the cultivation of English grain and vines.[1]

The shipments to the North were not confined to grain; the commissions granted to Nathaniel Basse and others, in 1631, instructed them to offer for sale in the countries with which they were authorized to trade, cows, oxen, hogs, and goats at favorable rates.[2] Devries has recorded that, in 1633, he met Captain Stone making his way from Virginia towards New England, with a cargo of grain and young cattle;[3] a few years later, Samuel Maverick, of Massachusetts, visited the Colony, and purchased four heifers and eighty goats, which he conveyed to Boston in two pinnaces.[4] So numerous had the hogs, goats, and poultry become by the fourth year of Governor Harvey's administration, that the planters were able to furnish large supplies of meat to the crews of ships lying at anchor in the river.[5] The vessels engaged in the transportation of tobacco offered, even at this time, an important market, as may be inferred from the fact that they numbered from thirty to forty, manned by many sailors, the tonnage ranging from four hundred upwards.[6] When Devries arrived in the James, in the autumn of 1635, he found thirty-six sail at Blunt Point alone.[7] At this time, pork

[1] Governor Harvey to Lords Commissioners, *British State Papers, Colonial*, vol. VI, No. 54; *Sainsbury Abstracts for 1632*, p. 35, Va. State Library.

[2] *Randolph MSS.*, vol. III, p. 219.

[3] Devries' *Voyages from Holland to America*, p. 64.

[4] Neill's *Virginia Carolorum*, p. 131.

[5] New Description of Virginia, p. 4, Force's *Historical Tracts*, vol. II; Neill's *Virginia Carolorum*, p. 127, note.

[6] Devries' *Voyages from Holland to America*, p. 53.

[7] *Ibid.*, p. 112. The number of ships leaving James River for the port of London alone in 1636, with cargoes of tobacco, was twenty-one. *British State Papers, Colonial*, vol. IX, No. 9; *Sainsbury Abstracts for 1636*, p. 154, Va. State Library. The author of the *New Description*

was sold for twenty shillings an hundred pounds.[1] It illustrates the sudden changes taking place in the condition of the planters according as their crops for a single year flourished or failed, that in 1636, two years after the large shipments of grain to New England, corn was so dear in Virginia, that it was only to be bought at twenty shillings a bushel, a large number of the poorer inhabitants being reduced for subsistence to purslane and other garden vegetables.[2] At a somewhat later period, Devries, who was acquainted by actual experience with these sudden fluctuations in the annual fortunes of the people, warned one of his countrymen, who proposed to make a trading voyage to the Colony, that it would be prudent for him to carry with him ample provisions, as the planters of Virginia produced supplies sufficient only for themselves.[3]

During the first part of the term of Governor Harvey, the palisade, which, a few years before, Mathews and Claiborne had proposed to erect from Martin's Hundred to a point on the York, was built, thus establishing at the lower end of the peninsula between the two rivers, a secure refuge for live stock, covering ground almost as extensive as the county of Kent in England.[4] Within the boundaries of this range, the cattle wandered at liberty, finding their food in wood, marsh, and field during every season. If fed at all in winter, they received only the husks of maize with a few grains.[5] The Indians hardly dared

of Virginia estimated the number of sailors a few years later at seven or eight hundred. See p. 5 of this tract, Force's *Historical Tracts*, vol. II.

[1] *Royal Hist. MSS. Commission*, Fourth Report, Appx., 290, 291.

[2] Neill's *Virginia Carolorum*, p. 131.

[3] Devries' *Voyages from Holland to America*, p. 177.

[4] Governor Harvey to Secretary Windebank, *British State Papers, Colonial*, vol. VIII, No. 22; *Sainsbury, Abstracts for 1634*, p. 72, Va. State Library.

[5] *Works of Capt. John Smith*, p. 887.

to venture into this area in sufficient numbers to inflict serious injury. Remnants of the palisade were in existence a quarter of a century later.[1] The country in the immediate vicinity of Jamestown, however, formed the principal cattle reserve of the Colony. All the forest in the general neighborhood had now been removed, and it was converted into pastures and gardens. But little grain or tobacco was planted there. Here the greater number of the live stock of the surrounding plantations were kept throughout the year, being fed on hay in winter, instead of being suffered to browse at large in the woods, or to devour the refuse of the cornfields.[2] The rate of increase was not extraordinary; there is a record of a herd in Virginia which numbered fifteen head in 1628, and which had grown to fifty only in 1636, eight years later.

The first legal provision, looking to the enclosure of land as a barrier against the depredations of cattle, was adopted in 1626 by the General Court. It was ordered in the course of this year that in those parts of the Colony where cattle were preserved, such as Hog and James City Islands, the planters, in seeking to protect their grain, should be careful not to run fences across narrow necks of land, as this would deprive the animals of a wide area in which to browse, but instead to enclose the fields in which their crops were growing, leaving the live stock to wander at liberty outside. If in violation of this regulation a fence was erected, shutting them out of a range not under cultivation, it was to be destroyed, and the loss which might follow from the entrance of cattle was not to be made good.[3] In February, 1631–32, the General Assembly

[1] *Records of York County*, vol. 1633–1694, pp. 65, 75, Va. State Library.
[2] *Works of Capt. John Smith*, p. 887.
[3] General Court Orders, Oct. 12, 1626, *Robinson Transcripts*, p. 55.

briefly declared, that every man should enclose his ground with sufficient fences, and in case of a failure to do so, should suffer the consequences without legal remedy.[1] This regulation was not adopted without opposition. It was urged that to encourage the owners of swine to dispense with keepers, whose services had been required to prevent the hogs from roaming in the cornfields, had the effect of making the latter wild by allowing them to wander about without any one to watch them, and furthermore, in the absence of a herder, they were exposed to a great number of casualties.[2] In the order of court of 1626, and the statute of 1631–32, there is to be found the beginning of the provision that, substantially in its original form, has been transmitted to the present age, and which has from its very inception been the cause of innumerable personal and political altercations. The fact that a statute passed in the first part of the seventeenth century should remain in the local law of Virginia, with practically no modification in its principle, shows how little the agricultural conditions of the community have changed in the course of that extended period.[3] While it was in its essence a regulation that worked for the benefit of the small planter, and has continued to operate to his special advantage by throwing open a boundless range for his cattle, it was in the eyes of the large planter to be preferred to a measure requiring the enclosure of all land in each tract, which would have imposed upon him a very heavy burden, as many tracts included several thou-

[1] Hening's *Statutes*, vol. I, p. 176.

[2] Review of the Old Acts of Assembly, *British State Papers, Colonial*, vol. IX, No. 98; *Winder Papers*, vol. I, p. 128, Va. State Library.

[3] See *Report of the State Board of Agriculture of Virginia for 1893*, p. 58, for a valuable summary of the different local regulations at the present time.

sand acres, and miles of expensive fencing would have been necessary to raise a sufficient protection on every side. Land unenclosed became a common, upon which it was not a trespass for any person in the neighborhood to permit his cattle to run. If the owner desired to prevent such incursions, it was in his power to erect a line of fence, and as long as he failed to do so, it was argued that he had no right to complain of a damage which his own live stock was liable at any time to inflict upon the unprotected crops of his neighbors.

In 1639, however, the fence law was modified in its application to swine, probably in compliance with the objections urged against it some years before. Hogs had now grown to be very numerous, and it was anticipated that they would break into the grain fields, the barrier raised against their encroachments being only too frail in many instances. It was decided, in consequence of this fact, to require that the owners of swine should confine them securely in pens at night, and provide keepers for them during the day ; those persons who failed to observe these directions were to be held responsible for the damage inflicted by their hogs upon the property of their neighbors. The provisions of the Act of 1632, as well as of the Act of 1636, were still in force with respect to the depredations of other animals.[1] In 1642, only two years later, swine were again placed upon the old footing in their relation to the law as to enclosures.[2]

The fence law of the seventeenth century could only have been passed in a country where the soil was valued very cheaply, and where live stock were not carefully provided for. As the population of the Colony expanded, and the number of plantations increased, the original

[1] Act of Assembly, *Robinson Transcripts*, p. 222 ; Hening's *Statutes*, vol. I, p. 228. [2] Hening's *Statutes*, vol. I, p. 244.

statute was only made more stringent in its terms, the provision being introduced that in case hogs, goats, and other cattle were killed, either through wantonness or carelessness in the effort to drive them from unenclosed land upon which they were trespassing, the person guilty of the act should pay double their value as a compensation to the owner. A legal fence was four and a half feet in height, and closed to the bottom. The owner of live stock breaking through this fence, and inflicting serious injury to crops, was compelled to make the amplest satisfaction for the damage committed.[1]

It can only be inferred, that the principal fence in use in Virginia in the seventeenth century was the worm fence. There are references to rails as early as 1621; in that year, Mr. Whitaker, a leading planter, is stated to have "railed" in one hundred acres as a protection to the vines, grain, and other crops which he had under cultivation in this area of ground.[2] An order of the General Court in 1626, required all who lived in those parts of the Colony where the cattle ranges were situated, to "rail, pale, or fence" their tilled lands, a clear recognition of a distinction in the methods of enclosure. At a much later date, the charge was brought against Robert Beverley, that instead of using a troop of soldiers under his command as a guard for the Governor, he had set them to felling trees, and making and "toating rails."[3] Among the terms

[1] Hening's *Statutes*, vol. I, pp. 244, 332. An instance is given in the records of York County of a man who had failed to fence his land properly, injuring to such a degree the sow of a neighbor, which had broken into his grain field, that it was "utterly lost." He was compelled by order of court to replace this sow by two sows, each two years of age. *Records of York County*, vol. 1638–1648, p. 281, Va. State Library.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 136.

[3] Grievances of Gloster County, 1676, *British State Papers, Colonial; Winder Papers*, vol. II, pp. 153–156, Va. State Library.

which Mr. Reeves of Henrico inserted in the contract by which he leased a part of his estate to William Arrington in 1695, was one requiring the latter to maul six hundred fencing rails.[1] The abstraction of such material was a frequent cause of criminal prosecution and civil suit.[2]

The worm fence, in the construction of which rails were used, was the invention of the settlers of a new country where wood was extremely abundant, and sawmills were few in number. The scarcity and, as a consequence, the costliness of nails in the early years of colonization were doubtless an element of importance in its popularity. Whenever it was decided to build an enclosure, there, in close proximity to the line selected, was a very heavy growth of timber, only requiring the application of the axe and maul to convert it into rails for the immediate erection of a fence. No posts were to be fashioned, no holes to be dug, no nails to be driven in.[3] The worm fence is still one of the most familiar features of the Virginian plantation, a monument, like the fence law itself, of the perpetuation of agricultural conditions beginning with the very foundation of the Colony. In spite of its angular character, it is not devoid of picturesqueness in the plantation landscapes. In the colonial age, as in the present day, it became, after standing for several years, a trellis for the vines of the

[1] *Records of Henrico County*, vol. 1688–1697, p. 578, Va. State Library. The references to fence rails in the county records are very numerous. See *Records of Rappahannock County*, vol. 1695–1699, p. 176, Va. State Library; *Records of Elizabeth City County*, vol. 1684–1699, p. 123, Va. State Library; *Records of Middlesex County*, original vol. 1694–1705, p. 109.

[2] *Records of Henrico County*, vol. 1682–1701, p. 93, Va. State Library; *Records of Elizabeth City County*, vol. 1684–1699, pp. 123, 125, Va. State Library.

[3] The first reference to this fence as the "worm fence," which I have found, is in Hugh Jones' *Present State of Virginia*, p. 39.

woods and fields, the grape, the morning-glory, the honeysuckle and the Virginia creeper, which, with their vernal or autumnal leaves and blossoms, decorated its ugliness with their beauty.

Not all of the fences to be found in Virginia in the seventeenth century were erected in a zigzag shape. Fitzhugh mentions in one of his letters, that his orchard was protected by an enclosure of locust wood; this was doubtless a straight fence constructed of panels, the ends of which were inserted in posts standing at regular intervals. The durability of locust was already recognized. Fitzhugh declared that a fence of this material would last almost for the same length of time as a brick wall.[1] There were also brush fences, which were chiefly used for the protection of the maize and wheat fields, but which very frequently failed to accomplish that purpose.[2]

The year 1634 was a memorable one in the history of Virginia, as that in which a separate province was formed of its northern parts.[3] The erection of Maryland proved in a few years to be a fertile source of embarrassment and loss to the planters of the parent colony. Tobacco was as much the principal crop of the new province as it was of the old, but as Maryland and Virginia were now under different administrations, the quantity to be planted could

[1] *Letters of William Fitzhugh, April 22, 1686.* The following is from the *Records of Accomac County*, original vol. 1682–1697, f. p. 129: "Richard Johnson, Mulatto, doth by these presents forthwith impower you in my name to confess a judgment unto John Cole to fall, mall, and set up for John Cole upon his plantation where he shall appoint 400 panels of sufficient post and rails, every pannell ten foot distance and five rails of pine to every pannell, and every post to be seven foot and half, one foot and a half in ye ground, the said post to be all of chestnut and whiteoak." This fence was intended to serve as a protection for a cornfield.

[2] *Records of Henrico County*, vol. 1682–1701, p. 14, Va. State Library.

[3] Maryland was erected March 27, 1634.

not be controlled throughout the area of cultivation by the establishment of a regulation proceeding from a single assembly, and in consequence of this inability to enforce concert of action, the price of the leaf was often depressed by the amount produced in the two colonies, where it would have been maintained, if there had been only one, by a compulsory reduction of that amount. Nothing was to be gained by stinting the crop in Virginia if the planters north of the Potomac cultivated their usual area in tobacco the same year; this would only work to the advantage of the latter, and it was hardly to be expected that the planters south of the Potomac would be willing to sacrifice themselves for the purpose of increasing the profits of the planters of Maryland.

When the division took place, it was thought that the population of Virginia did not exceed five thousand.[1] It is interesting to note the local distribution of the planters at this time. In the country situated on both sides of the James River, between Arrahattock and Shirley Hundred, the census of 1635 disclosed that there were four hundred and nineteen persons. All of these were citizens of the county of Henrico. The county of Charles City, also on both sides of the river, extending from Shirley Hundred Island to Wyanoke, was inhabited by five hundred and eleven persons; the county of James City, extending on the south side from Chippoak to Lawnes Creek, and from the Chickahominy River on the north side to a point nearly opposite the mouth of the creek, by eight hundred and eighty-six persons; the county of Warrasquoke, extending

[1] Statement of William Pierce, *British State Papers, Colonial*, vol. V; *McDonald Papers*, vol. II, p. 21, Va. State Library. The census of 1635 places the population at 4914. Harvey, in 1630, estimated the number of inhabitants at 2500 or more. *British State Papers, Colonial*, vol. V, No. 95; *Sainsbury Abstracts for 1630*, p. 220, Va. State Library.

from the southern limit of the county of James City to Warrasquoke River, by five hundred and twenty-two. The counties of Warwick River and Elizabeth City, which included all the remaining settlements on the James River, contained sixteen hundred and seventy. The plantations lying on the modern York formed the county of Charles River, and had a population of five hundred and ten. The county of Accomac had a population of three hundred and ninety-six. It will be seen from this brief enumeration, that the plantations continued to be more thickly grouped in the county of James City than in any other part of the Colony.[1]

In spite of the fact, that the enlargement of the area under cultivation in tobacco in Virginia, in consequence of the steady encroachment of the cleared estates upon the line of forest, was rapidly increasing the volume of the English customs, Charles still persisted in allowing no opportunity to pass without urging upon the attention of the planters the advisability of diversifying their crops. In 1636, the addition to the royal revenue from the importation of tobacco by one ship alone amounted to three thousand three hundred and thirty-four pounds sterling,[2] and yet in the ensuing year the King addressed a letter to the Governor and Council in which he declared, that the assertion that the Colony would be ruined, if the culture of tobacco was abandoned, was false, if any conclusion was to be drawn from what was to be observed in the English West Indies. The inhabitants of these islands had ceased to plant it, and had directed their

[1] *British State Papers, Colonial*, vol. VIII, No. 55; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 91.

[2] Secretary Kemp to Secretary Windebank, *British State Papers, Colonial*, vol. IX, No. 9; *Sainsbury Abstracts for 1636*, p. 154, Va. State Library.

energies to the production of other commodities.[1] The people of Virginia were, however, in a different position from the people of the English colonies in the tropics. Tobacco was the only profitable crop which at that time was adapted to the situation as well as to the agricultural conditions of the Virginian settlements. When the leaf declined in price to one penny a pound, a depression largely due to the amount exported from Barbadoes, Mevis, and St. Christopher to the English market, the planters of these islands directed their attention to cotton. It was also admitted that the character of the tobacco produced in their soil was not very good. In a few years, the cultivation of sugar and indigo, ginger and oranges, was added to that of cotton. In Barbadoes, the sugar-mills were turned by oxen which had been imported from Virginia. So great had the prosperity of that Colony become by 1649, that one hundred vessels were employed in its carrying trade; a very much larger number than were plying at this time between England and the Virginian plantations.

The plan of reducing the volume of the annual crop by restricting the number of plants to the head had, by the end of 1637, led to some important results which had not at the time of the establishment of the regulation been foreseen. The limitation caused many persons to forsake their estates in search of lands offering the virgin loam in which tobacco attained its largest growth.[2] If they

[1] King to Governor and Council of Virginia, *British State Papers, Colonial*, vol. IX, No. 47; *Sainsbury Abstracts for 1637*, pp. 191–194, Va. State Library.

[2] Burgesses to Governor and Council, *British State Papers, Colonial*, vol. IX, No. 96, II; *Winder Papers*, vol. I, pp. 114, 115, Va. State Library, One effect of the limitation of planting, it was said, was to discourage the use of the plough, because, in creating a disposition to desert old estates, it led to the abandonment of the only soil in which that implement could

had remained on the plantations abandoned, they would have been compelled to cultivate a soil more or less exhausted, and only capable of producing that commodity in profitable quantities by the application of manure. This could only have been obtained from the live stock. In spite of the greater attention which by 1637 was paid to the increase of the cattle, the manure to be gotten from them was comparatively small, as they were suffered to wander very much at large. Even if an abundant supply, however, could have been secured by penning them, the improvement of the ground by this means would not have been as satisfactory in its effect as the natural fertility of the mould of newly cleared land. It was early observed that tobacco taken from a field enriched by its conversion into a cow-pen was very rank in its flavor, which diminished the value that it would otherwise have derived from its bulkiness. The leaf grown in the bottoms along the streams was to be preferred not only in point of weight, but also in quality. It was not entirely greed of land, or even an inordinate desire to raise tobacco, that led to the rapid extension of the settlements; it was largely the necessity imposed upon the tiller of the ground to secure, in the restricted number of plants allowed him by the terms of the law, the heaviest weight which the soil under the most favorable conditions would impart to that number. In the absence of such a law, there would have been a strong disposition among the colonists to sue out patents to new land, but stimulated by the operation of such a regulation, there were but two influences likely to restrain that disposition, the expense of hewing down the forests, and the danger of attack

be employed, newly cleared lands being obstructed by roots and stumps. Another effect was to induce the planters to gather the inferior leaves near the ground, and thus lower the average quality of the tobacco secured.

from the lurking savages. So constant was the apprehension of Indian incursions, that it is stated that one-third of the laborers were at this time engaged in performing the duties of guards.

The inclination to abandon old plantations and to take up new ones, which was promoted by the restrictive laws referred to, had both a beneficial and an injurious effect; it encouraged a more active destruction of the woods, but at the same time it fostered a spirit of indifference in the owners of land as to the manner in which they used it. They neglected the fencing of their grounds, they failed to establish pastures for their cattle, or to lay off orchards and gardens, or even to plant corn. So frail were many of the dwelling-houses in consequence of the purpose of the occupants to desert their estates as soon as exhausted by the culture of tobacco, that special instructions were sent to the Governor to discourage by every means in his power the erection of such temporary habitations. The tendency to go elsewhere was, however, not to be rooted out by instructions or laws. The same motives in a modified form were to be seen in the disposition of many persons to sue out patents to new lands without having any intention of abandoning the estates upon which they were residing. The influences leading to the expansion by purchase of the boundaries of plantations in subsequent times, when the whole surface of the country had been appropriated, were at work at this early period, but it exhibited itself not so much in enlarging single tracts as a means of securing a virgin soil, as in obtaining patents to entirely separate lands which remained unreclaimed, and which were frequently situated at a great distance from the first estate.

In 1639, in spite of the efforts to curtail the production of tobacco with a view to increasing its value, the price

of the highest grades declined to such a point that the planters were hardly able to gain a bare subsistence. In this emergency a law was passed,[1] requiring that all the mean product should be destroyed and one-half of the good, the object being to reduce the volume of the crop to one million five hundred thousand pounds. That amount, as experience had shown, always commanded a price which left some margin for profit, because the quantity was not in excess of the demand in the English markets. It was further provided that during the course of the following two years, the amount of tobacco to be cultivated to the head should not run over two hundred and seventy pounds.

The details of this Act are interesting as showing how carefully considered were the regulations which the authorities of the Colony adopted to enforce a reduction in the quantity of the leaf produced as well as an improvement in its quality. Three viewers were appointed to serve in each district as laid off by the provisions of the statute, the whole number being two hundred and thirteen, including many of the most prominent and influential planters in Virginia. The tobacco belonging to the inspectors themselves, growing in the limits of their respective jurisdictions, was to be examined by persons who had been chosen to perform this duty by the commanders of the different counties. The penalty inflicted upon a viewer for neglecting to carry out the requirements of the law was the forfeiture of five pounds sterling. The planter was to be allowed several days, after the publication of the intention of the inspectors to examine the tobacco in their districts, to make an assortment of the different grades of his crop, and if he took advantage of the opportunity to convey the whole, or a part of it secretly on

[1] Hening's *Statutes*, vol. I, pp. 224, 225. The Act in full is copied in the *Robinson Transcripts*, pp. 197–209.

board ship, or if he had already done this previous to the public announcement by the viewers that they would proceed upon their rounds by a designated time, he was, if detected in this violation of the statute, compelled to pay double the quantity of leaf which he had sought to remove out of sight, one-half to be sold for the benefit of the public treasury, and the other to be appropriated by the viewers in whose limits the fraudulent act was committed. If the planter had crops in different precincts, he was permitted to burn on one of his plantations the whole proportion of the fine grades which he was commanded to destroy, and to reserve the entire quantity of good leaf on another plantation for sale. The inspectors were authorized to break down the doors of any building in which they had reason to think that tobacco was concealed, and in doing this, they were not compelled to show the ordinary search-warrant in justification.

While the Acts for curtailing the area under cultivation in tobacco and improving the quality of the leaf offered for sale, were doubtless evaded to an important extent, nevertheless they must have accomplished their object substantially. Tobacco was constantly fluctuating in value, and not infrequently sank below the cost of producing it, but in the main, it sold at rates that promoted the rapid advance of Virginia in all the elements of material wealth. If the competition of other British possessions had been removed, and the introduction into England of the Spanish leaf by illegal methods had been successfully obstructed, the restrictive statutes passed by the Assembly would have easily kept the supply of the commodity on an equality with the demand, in spite of the growth of population in the Colony, and the increase in the number of plantations. In applying the rigid inspection law, it can be easily seen that the crops of many

persons could not successfully stand the test except in small part, and thus the labor of the year would practically go for nothing. It was largely apprehension that tobacco obtained from the comparatively exhausted soil of the estate that had been under cultivation for some years would not pass inspection, which led so many of the planters to show such eagerness in suing out patents to virgin land that was certain to bring forth the highest grades of the leaf. The small planter in particular was absolutely dependent each year upon the proceeds of his crop, and any cause which destroyed it altogether, or even diminished its volume very seriously, was a blow from which it was difficult for him to recover. One of the objections urged against the passage of the inspection law was, that the transportation of tobacco by boat, the only means which was then used for moving it (the plantations being situated on navigable streams), would expose it to a great variety of risks, which if realized would signify the temporary ruin of the owners who should happen to suffer the loss that would thus be incurred.

Secretary Kemp declared that the customs upon the tobacco of Virginia, in 1636, ought to have amounted to twenty thousand pounds sterling, and he recommended, as a means of showing the annual volume of the shipments, that a custom house should be established in the Colony.[1] The English authorities approved the suggestion, although they had practically rejected it when offered by Harvey.[2] Instructions were sent to the Governor and Council to select some place in Virginia which was fitted to be a port

[1] Secretary Kemp to Secretary Windebank, *British State Papers, Colonial*, vol. IX, No. 9; *Sainsbury Abstracts for 1636*, p. 154, Va. State Library.

[2] Letter of Governor Harvey and Council to Privy Council, *British State Papers, Colonial*, vol. VIII, No. 3; *Sainsbury Abstracts for 1633*, p. 53, Va. State Library.

of entry. Here all the articles to be sent out were to be carefully scrutinized, and an account of them kept in detail. A yearly statement was to be transmitted to the Lord Treasurer in England of the various commodities that had been actually exported. The officer appointed to supervise the cargoes and keep a record of them, was to receive as his remuneration two pence upon each cask of tobacco put on shipboard. This charge was only indirectly a duty.[1]

These instructions were, in February, 1637, embodied by the General Assembly into a law, and Kemp was chosen Register;[2] to him the fee of two pence on each cask of tobacco, and at the same rate on other commodities, was to be paid by the masters of the vessels upon their delivering their invoices into his hands. During the first year following the formal adoption of this regulation, no fees were received, because the ships had already taken on board their loading when the rule went into effect; in the second year, however, payment was made, and made in the form of tobacco, coin, and bills of exchange. The Treasurer of the Colony, Jerome Hawley, had now been substituted for Secretary Kemp as Register, but dying soon after, Kemp was reappointed to the position. In 1639, instead of settling this tax either in coin, tobacco, or bills as formerly, the shipmasters were permitted to give bonds as security for the amount due by them.[3]

The great depression in the prices of tobacco in 1638 and 1639 had, like the similar depression in 1629, already

[1] King's Letter, August 4, 1636, *British State Papers, Colonial*, vol. X, No. 60, I; *McDonald Papers*, vol. II, p. 233, Va. State Library.

[2] *British State Papers, Colonial*, vol. IX, No. 40; *Sainsbury Abstracts for 1637*, p. 186, Va. State Library.

[3] *British State Papers, Colonial*, vol. IX, No. 110; vol. X, No. 5; *Sainsbury Abstracts for 1638*, p. 19, Va. State Library; *McDonald Papers*, vol. II, p. 242, Va. State Library.

referred to, the effect of directing the attention of the planters of Virginia to products to which they had previously given only a small part of their thoughts and energies. In 1638, the Burgesses forwarded a special communication to the Privy Council in England, in which they declared that the interest in the culture of silk had revived very much, and their messenger presented to the Secretary of that body a considerable quantity of the Virginian product to show the excellence of its quality.[1] On the other hand, the interest in the culture of the vine had declined so far, that the law of 1632, requiring that twenty slips to the head should be annually planted, was expressly repealed, and it was provided instead that each landholder should produce a certain amount of flax and hemp.[2] Governor Harvey had sowed a large quantity of rape seed not long after his arrival in the Colony. He also made an attempt to cultivate olives, lemons, oranges, pomegranates, and figs.[3] He was probably only successful with the latter, a fruit which had been shown already to be adapted to the soil of Virginia ; in a garden owned by Mrs. Pierce at Jamestown, extending over an area of three or four acres, as much as one hundred bushels of figs had been gathered in one year.[4]

Influenced by repeated instructions from England, Harvey continued to promote by his own example the production of English grain in Virginia. In the closing year of his administration, he wrote to the English authorities that four of the members of the Council

[1] Governor Harvey to English Secretary of State, *British State Papers, Colonial*, vol. X, No. 5 ; *Winder Papers*, vol. I, p. 147, Va. State Library.

[2] Hening's *Statutes*, vol. I, p. 218.

[3] Governor Harvey to Secretary Windebank, *British State Papers, Colonial*, vol. VIII, No. 22; *Sainsbury Abstracts for 1634*, p. 71, Va. State Library.

[4] *Works of Capt. John Smith*, p. 887.

would begin to sow wheat as soon as the proper season arrived to prepare the land for the reception of the seed, and that there was reason to think that in this step they would be followed by others.[1] When Devries visited Virginia in 1643, he found that the planters were putting down in English grain the lands which had been exhausted by successive crops of tobacco.[2] The attention paid to wheat led to its production in such large quantities, that for the first time in the history of the Colony it became an important part of the commodities exported. For some years, Indian corn had been sent from Virginia to New England, and also to the West Indies; now, in addition, both wheat and maize were disposed of to the traders of Maryland, Manhattan, and Carolina. The obstacles overcome in cultivating English grain proves that there must have been a growing market for its sale. It was calculated by Williams, that it required a month to turn over twelve acres with a single plough, although, by exercising great industry, a man and boy might accomplish this work in twelve days;[3] it was, however, safer, in his opinion, to allow a margin more than equal to this period, the length of time necessary being due as much to the inefficiency of the plough as to the roughness of the soil to be broken up. Two able-bodied laborers were sufficient to sow sixty acres in wheat in the course of one season, and to reap the grain when it was in a condition to be harvested. Such an area of land would bring forth a quantity amounting in value to four hun-

[1] Governor Harvey and Council to Privy Council, *British State Papers, Colonial*, vol. X, No. 5; *Sainsbury Abstracts for 1638–39*, p. 57, Va. State Library.

[2] Devries' *Voyages from Holland to America*, p. 183.

[3] Virginia Richly Valued, p. 13, Force's *Historical Tracts*, vol. III. See also Rogers' *History of Agriculture and Prices in England*, vol. V, p. 54.

dred and eighty pounds sterling. The fifteenth Act of Assembly, in the session of 1639, permitted "corn," in which term both wheat and maize were doubtless included, to be exported whenever the price sank below twelve shillings a bushel.[1] Any one shipping grain from the country had to secure special permission to do so. In February, 1639, John Stratton was authorized to transport grain and cattle presumably to New England, and instructions were given to the Captain of the fort at Point Comfort to grant him free egress, provided that he bore away no prohibited commodity; similar commissions were subsequently issued to William Hunt and Edward Robins, to enable them to export to the same quarter a quantity of grain and pork.[2] Precautions were taken that the ships carrying these articles to the northern colonies should convey all tobacco which they had on board to London, as directed in the order of the Privy Council, bearing the date of July 2, 1634.[3] No one was allowed to purchase maize from the Indians for less than sixteen shillings a barrel, the contents of a barrel being forty gallons; this regulation was perhaps designed to prevent the acquisition of Indian corn at a very reduced price from the aborigines, as this would have enabled the buyer to dispose of it afterwards at a lower rate than the planter was willing to sell the grain produced by himself.[4]

Berkeley, like his predecessors Harvey and Wyatt, had, upon his appointment as Governor, been specially directed to encourage a diversification of the agricultural products of Virginia, and he proceeded soon after his arrival to

[1] Hening's *Statutes*, vol. I, p. 227.
[2] General Court Orders, January, 1639, *Robinson Transcripts*, p. 180.
[3] *Ibid.*, May 6, 1640, *Robinson Transcripts*, p. 183.
[4] Hening's *Statutes*, vol. I, p. 227.

carry out his instructions by urging the passage of the necessary laws, as well as by setting an example in his own person. He planted at an early day a considerable area of land in flax, hemp, and cotton. A few years afterwards he began an experiment with rice, and from half a bushel of seed sown harvested fifteen bushels ; the result was looked upon as being so satisfactory, that the anticipation was confidently entertained that rice would soon be cultivated in such abundance in the Colony that it could be bought for two pence a pound. The notion was prevalent that the climate and soil were well adapted to the grain, this notion being largely based on the assertions of the African slaves, who stated that they found the conditions in Virginia as favorable to the production of rice as in the country from which they came.[1] Subsequent experience has, however, gone to show that while the deep soil of the river bottoms is sufficiently fertile for the plant, the climate is not hot enough for its development in perfection. It was provided by law, that whoever obtained a patent for an hundred acres of land should be required to establish a garden and orchard, carefully protected by a fence, ditch, or hedge.[2] In the immediate vicinity of his house at Green Spring, Governor Berkeley had fifteen hundred apple, peach, apricot, quince, and other fruit trees.[3] It had been observed by those who had had an opportunity of making the comparison, that the flavor of Virginian fruit was superior to the flavor of that of England, this being true in the most marked degree of the peach and quince, which in Virginia grew on stand-

[1] New Description of Virginia, p. 14, Force's *Historical Tracts*, vol. II.

[2] Instructions to Berkeley, 1641, § 25, *Virginia Magazine of History and Biography*, vol. II, p. 287. Act of Assembly, 1639, *Robinson Transcripts*, p. 216.

[3] Neill's *Virginia Carolorum*, p. 204.

ing trees instead of against walls as in England. The Menifie plantation was famous in the Colony for the quantity and variety of its fruits, herbs, and vegetables, the garden containing rosemary, sage, marjoram, and thyme, the apple, the pear, and the cherry, while the house itself was surrounded by peach trees.[1] A large orchard was owned by Mr. Hough of Nansemond ; Richard Bennett had also planted many apple trees, and from the fruit annually expressed about twenty butts of cider, while Richard Kinsman obtained from his pears every year from forty to fifty butts of perry. It was the habit of some persons at this time to graft upon the indigenous crabstocks.[2]

There are many indications that during the course of Governor Berkeley's first administration, which began in 1641, and lasted until the surrender of the Colony to the commissioners of the Commonwealth in 1651, there was a very great increase in the number of neat cattle in Virginia. In 1640, it was provided that only the seventh head should be exported.[3] At the same time, few steps seem to have been taken to furnish the live stock with food in winter, when they were always likely to need it.[4] Neat cattle, however, were thought to be so valuable, and

[1] Devries' *Voyages from Holland to America*, p. 50. The first peach trees referred to in the history of Virginia were at Kecoughtan. See *Works of Capt. John Smith*, p. 887. This was in 1629. The date of Devries' reference to the peach trees at Menefie's was 1633.

[2] New Description of Virginia, p. 14, Force's *Historical Tracts*, vol. II. This was probably Kingsmill, not Kinsman.

[3] Hening's *Statutes*, vol. I, p. 227.

[4] This, however, was not unusual, as the following from the *Records of York County*, vol. 1638–1648, p. 278, Va. State Library, will show: "These presents Witnesseth that I, William Thornton, do bind Myself to look after the Cattle for the use of John Liptrott until such time that he doth come to age and carefully provide fodder for them as I do for my own."

in consequence of the fence law there was so much danger of their going astray, that the branding iron was used very freely in marking them. The gift or assignment of a cow or heifer and her future offspring became now very common, and the transfer was as a rule considered important enough to be placed on record;[1] if the beneficiary of the present was under age, as was so often the case, overseers were appointed to take charge of the animal until the minor reached maturity.[2]

In 1645, cows were sold in New England as high in some cases as thirty pounds sterling, which explains the exportation of so large a number from Virginia to the northern colonies.[3] The price afterwards fell to five pounds. At this time the value of horned cattle seems to have varied but little in different parts of Virginia itself. In 1644, cows were appraised in York at five hundred pounds of tobacco apiece, which was equivalent to sixty-two shillings.[4] In 1647 and 1648, they were appraised in the same county at three hundred and twenty pounds, and this was maintained on the average until the close of the century.[5] In 1648, a full-grown cow belonging to the Yates estate in Lower Norfolk was valued at four hundred pounds, but this was exceptional.[6] In 1640, a bull in Virginia, which had been wantonly killed, was decided by the General Court to be worth seven hundred pounds, which at three pence a pound was equivalent to

[1] An example will be found in *Records of York County*, vol. 1638–1648, p. 63, Va. State Library.

[2] See, for instance, *Records of York County*, vol. 1638–1648, p. 127, Va. State Library.

[3] Bishop's *History of American Manufactures*, vol. I, p. 431.

[4] *Records of York County*, vol. 1638–1648, p. 186, Va. State Library.

[5] *Ibid.*, p. 295, Va. State Library.

[6] *Records of Lower Norfolk County*, original vol. 1646–1681, f. p. 95.

eight and a third pounds sterling. This valuation was to some extent punitive.[1] In 1644, when tobacco was worth one and a half pence a pound, a bull was appraised in York at four hundred and fifty pounds.[2] In 1648, a stoned calf was appraised in the same county at eighty pounds. In 1645, a bull was valued in Lower Norfolk at five hundred, and a few years afterwards at three hundred.[3] In 1644, a steer was appraised in York at three hundred pounds; two years later, there is an instance, both in York and Lower Norfolk, of the valuation of an animal of the same kind at six hundred. Heifers in York ranged in the same interval from two hundred and sixty pounds of tobacco to four hundred.[4]

The records covering the period immediately previous to 1649, do not indicate that the number of horned cattle belonging to individual planters was very large. Edward Perceval of York owned ten head; John Sakers of the same county, twenty-three; William Stafford, also of York, twenty-seven.[5] Robert Glasscock of Lower Norfolk owned seven head; the May estate in the same county, twelve; and the Yates estate, thirteen.[6] These holdings were probably fairly representative of the different parts of the Colony, although in the aggregate the number of cattle was very large. In all of these instances, a considerable number of hogs must be added. There appear

[1] *Randolph MSS.*, vol. III, p. 232.

[2] *Records of York County*, vol. 1638–1648, p. 186, Va. State Library.

[3] *Records of Lower Norfolk County*, original vol. 1646–1651, f. p. 95.

[4] *Ibid.*, f. p. 95; *Records of York County*, vol. 1638–1648, p. 186, Va. State Library.

[5] *Records of York County*, vol. 1638–1648, pp. 59, 61, 186, Va. State Library.

[6] *Records of Lower Norfolk County*, original vol. 1646–1651, f. pp. 46, 95, 140.

to have been no sheep in some of the counties, but very many goats. It was not until the middle of the century had passed that the records of Lower Norfolk contain references to sheep, but the listed property in live stock reveals from an earlier date the presence of a large number of goats in each district of that county.[1]

The references to horses in the county records just previous to 1649 are rare, because at this period there were still very few in the Colony. The returns from the districts of the several collectors in Lower Norfolk show, that in 1647 only five were enumerated in that county for taxation.[2] Robert Evelyn, in mentioning the kinds of live stock which the settlers of New Albion could export from Virginia, named only cows, goats, and hogs.[3] With a view to increasing the number of horses, the Quarter Court convening at Jamestown in March, 1639, granted to Thomas Stegge and Jeremy Blackman the right to import these animals into the Colony from abroad,[4] and a few years later the General Assembly, having the same object in view, permitted, as an exception to the general regulation, that all debts contracted for horses and sheep, to be paid in coin, should be recoverable upon suit.[5] In 1645, however, the poll tax, which bore very heavily upon the poorer section of the population,[6] was abolished temporarily, and in its place four pounds of tobacco were levied for every cow the age of which exceeded three years;

[1] *Records of Lower Norfolk County*, original vol. 1646–1651, f. p. 56.

[2] *Ibid.*, p. 56.

[3] New Albion, p. 32, Force's *Historical Tracts*, vol. II.

[4] Privy Council to Governor and Council in Virginia, *British State Papers, Colonial*, vol. X, No. 57; *Sainsbury Abstracts for 1639*, p. 90, Va. State Library.

[5] Hening's *Statutes*, vol. I, p. 268.

[6] *Ibid.*, pp. 305, 306.

thirty-two pounds for every horse, mare, or gelding; four pounds for every breeding sheep; and two pounds for every breeding goat. This tax, as long as it remained in force, must have had a discouraging influence on the live stock interests of the Colony; in 1648, it was repealed, on the ground that it had been created only to raise funds for carrying on the war with the Indians then in progress, an emergency which had now passed.[1]

In 1649, there were about fifteen thousand people in Virginia independently of the slaves, who were three hundred in number.[2] There were twenty thousand calves, cows, bulls, and oxen. One authority calculates that their number at this time was thirty thousand.[3] The cheese and butter produced in the Colony was thought to be excellent. There were only two hundred horses and mares, but many were sprung from blooded stock. The sheep had increased to three thousand, and the flocks would have been very much larger had not the wolves continued so destructive in spite of the prize that was offered for heads, this having been increased from fifty[7] to one hundred pounds of tobacco, payable by the commissioners of the county courts. It shows the multitude of these animals, as well as the activity of the colonists in killing them, that at one meeting of the justices of Lower Norfolk in 1649, twenty-one heads were presented to secure the reward.[5] There were about five thou-

[1] Hening's *Statutes*, vol. I, p. 356.

[2] This statement, and those that follow, except when a different authority is given, are taken from the New Description of Virginia, pp. 1–16, Force's *Historical Tracts*, vol. II.

[3] Bullock's *Virginia*, p. 7. Bullock estimated the number of horses in Virginia at two hundred. See p. 8.

[4] *Records of Lower Norfolk County*, original vol. 1637–1642, f. p. 12, Order of Court, Oct. 28, 1639.

[5] *Records of Lower Norfolk County*, original vol. 1646–1651, f. p. 128.

sand goats and a still larger number of hogs, both domestic and wild. There were many hundred acres in wheat, producing from eight to twelve quarters an acre.[1] This grain was now sold at the rate of four shillings a bushel. Many persons also raised oats and barley. A very large quantity of maize was cultivated, the increase being two hundred and fifty quarters for every quarter planted.[2] The law still remained on the statute-book requiring that each landholder should put down two acres in grain for every individual in his service, and in order to enforce this law with the utmost strictness, it was provided that each constable should periodically view the fields of all the planters in his bailiwick, and in case of a shortage in acreage, or inattention to the removal of weeds, should report the default to the commissioners of the County Court, who were to impose a heavy fine for each acre that was lacking, or open to condemnation.[3] In the production of tobacco it was calculated that the labor of one man would ensure twenty or twenty-five pounds sterling, rating the value of the leaf at three pence a pound. The hops that had been planted throve well. There was a great abundance of potatoes, asparagus, carrots, turnips, parsnips, onions, and artichokes, and a large store of Indian peas and beans. At this time, rice was cultivated,[4] and indigo flourished to such a degree that the Virginians were anxious to obtain an amount of seed which might enable them to supply the whole of Christendom, the supposition being that one laborer could produce two thousand pounds of the plant in one year. Larger expec-

[1] Bullock's *Virginia*, p. 9.

[2] *Ibid.*

[3] An instance of the enforcement of the law is given in the *Records of York County*, vol. 1638–1648, p. 358, Va. State Library.

[4] New Albion, p. 32, Force's *Historical Tracts*, vol. II; New Description of Virginia, p. 14, *Ibid.*, vol. II.

tations than usual were now entertained as to the advantages to accrue from silk culture, and by some enthusiasts it was even anticipated that silk would supersede tobacco.[1] Wine also was expressed from three varieties of grape;[2] it was even proposed to introduce into the Colony highly skilled vine-dressers from Southern Europe.[3] As the number of ploughs going in Virginia in 1649 did not exceed one hundred and fifty, and these were probably in the possession of a few persons,[4] the greater proportion of the soil planted must have been prepared for culture with the hoe, the probability of which is increased by the fact, that so large a part of the land under cultivation had only recently been cleared of forest, leaving the surface of the ground interspersed with stumps, and the earth beneath interlaced with enormous roots, which would have destroyed any plough of that age.

There have been transmitted to us several interesting accounts of what was necessary, about the middle of the

[1] Leah and Rachel, p. 19, Force's *Historical Tracts*, vol. III.

[2] Bullock's *Virginia*, p. 8.

[3] Virginia Richly Valued, pp. 16, 17, Force's *Historical Tracts*, vol. III. "Before the Greek vigneroons go over," remarks the author of this treatise, "they shall be consulted as to what ground is proper, what season fit, what prevention of casualties by bleeding or splitting, what way to preserve or restore wine when vesseled, what species of wine is fittest for transportation or retention in the Country, which for duration, which for present spending; it being in experience manifest that some wines refine themselves by purge upon the sea; others by the same means, suffer an evaporation of their spirits, joyne to this that some wines collect strength and richnesse, others contract feebleness and sowernes by seniority. These consultations, drawne to a head by some able person and published, to be sent over in severall copies to Virginia, by the inspection of which people might arrive at such competent knowledge in the mystery that the reservation or jealousies of the vigneroons could not but be presently perceived and prevented."

[4] James Stone of York County was the owner of three of these implements. *Records of York County*, vol. 1638–1648, p. 391, Va. State Library.

seventeenth century, for the equipment of a person who had decided to remove to Virginia, or the country adjacent to that Colony, with the intention of becoming a planter. According to Robert Evelyn,[1] he should carry over a considerable amount of merchandise to be invested on his arrival in cattle. With six pounds sterling worth of goods he would be able to purchase a cow, an ox, two goats, and two sows. He should be careful to take with him provisions to supply the needs of himself and the persons who accompanied him, until he was in a position to obtain from the ground the food which he and his companions would require; these provisions should consist of biscuit, peas, oatmeal, acquavitæ, malt, pork, beef and fish, two bushels of roots, and five pounds of butter. He should carry over a hogshead of wheat, and also vegetables, hemp, and flaxseed. The tools which he would want were an axe, spade, and shovel, together with a considerable quantity of steel and iron to be used in repairing. Nails should also be taken along. The emigrant should not forget to carry with him weapons of defence and attack, and a supply of ammunition. Evelyn computed that the whole cost of the equipment described would not exceed ten pounds and five shillings.

Williams, the author of *Virginia Richly Valued*, recommended[2] that every emigrant, before setting out for Virginia, should provide himself with a monmouth cap and waist-coat, bands, shirts, shoes and stockings, and a suit, canvas to make sheets, blankets and a rug. He should carry over for household use, a large iron pot, big and small kettles, skillets, frying-pans, a gridiron and spit, platters, dishes, spoons, knives, sugar, spice, and fruit; and, also, for plantation purposes, broad and

[1] New Albion, p. 32, Force's *Historical Tracts*, vol. II.

[2] Virginia Richly Valued, p. 10, Force's *Historical Tracts*, vol. III.

narrow hoes, axes, hand, whip, and band saws, hammers, shovels, and spades, augers, piercers, gimlets, hatchets, bills, frows, pickaxes, nails, grindstones, and ploughs; and also nets, hooks, and lines. He would need in addition a complete suit of light armor, a sword, musket or fowling piece, with a sufficient quantity of shot and powder. The cost of these various articles would not for each individual exceed eleven pounds sterling.

Bullock declared[1] that the emigrant going over to Virginia with two servants would need a plough, three spades, three shovels, three mattocks, two axes, two hatchets, one large and one small hand-saw, all of which could be procured at an expense of three pounds and eight shillings; three gallons of liquor and a case, which would cost one pound; a fowling-piece, with powder and shot, and a casting-net with hooks and lines, which would entail an outlay of two pounds and twenty shillings; an iron pot and frying-pan, wooden platters, dishes and porringers, which could be bought for one pound; and lastly, a miscellaneous collection of linen and woollen clothing, shoes, ironware, and other articles, not to exceed twenty pounds in value. An additional expenditure of twenty-four pounds and eight shillings would be ample for the purchase of the number of cows, oxen, pigs, and poultry, as well as the quantity of seed of different sorts, that would be needed.

During the first year following the arrival of the new comer, in case he did not proceed at once to the culture of tobacco, which was doubtless the course pursued by the great majority of the immigrants at this time, the usual plan was for him to secure lodgings for himself and his servants in the house of a planter who had long resided in Virginia, and to rent a body of land that had

[1] Bullock's *Virginia*, p. 35 *et seq.*

been too much exhausted to produce tobacco further. Soil of this character was so abundant, that the owners were generally willing to allow it to be tilled by others without charge, or to lease it at a rate nearly nominal. After his seed had been sown, the new colonist had an opportunity to select a place of permanent settlement, and when he had secured his crops, he was in a position to remove his servants, tools and implements, utensils and household goods to the tract which he had decided to take up under patent. In choosing a plantation, he was governed not only by the fertility of the ground, but also by its proximity to a navigable stream, and to neighbors, and by its freedom from ague and fever. The rule followed by the small farmer, who decided to continue in Virginia the cultivation of the products with which he had been familiar in England, was to put down about twenty acres in wheat and three in flax. At this time the Dutch method of ploughing had been partially introduced, and wherever it had been adopted, one man was able to break up the soil, while the master and the other servants erected fences around the fields as a protection against wandering cows, horses, and hogs, as well as deer. When the earth had been turned over, the seed planted and the enclosures completed, there was nothing to be done until the wheat and flax had ripened. The flax was the first to be harvested, the seed having been sown in May. It was liberally calculated that the sowing and the beating out of this crop would cover the space of three weeks; twenty-five were allowed for the dressing of nine hundred stone, this being a much more ample provision in point of time than the same process was permitted to occupy in England. Three weeks constituted the period allotted for reaping the wheat, the operation of securing it even from so small an area as twenty acres

being extremely slow, because the implements employed were still the immemorial sickle and hook. Where the grain was trodden out by oxen, it required a fortnight to finish the threshing, and as much as ten weeks if other means were used. The average amount of wheat to be produced to an acre was computed at five quarters, while for the same area there were expected three hundred stone of flax, in addition to fifteen bushels of flaxseed. From twenty acres of wheat one hundred quarters would be reaped, which, at twenty shillings a quarter, would signify a return of one hundred pounds sterling. Three acres in flax would yield on an average nine hundred stone, which, valued at the rate of one shilling and four pence a stone, the price it commanded at this time in the English market, would ensure sixty pounds sterling, to which should be added twelve pounds for the forty-eight bushels of seed that this number of acres sowed in flax would produce. The twenty acres would thus bring forth crops of a salable value of one hundred and seventy-two pounds sterling.

Bullock, to whom I am indebted for these details, believed from his own personal observation at this period, that there was no country offering more numerous opportunities than Virginia to a man of industry, to improve his condition in life. He dwells upon the hypothetical instance of a small planter recently established in the Colony, who sends to England a cargo of tobacco valued at one hundred pounds sterling, representing what remains to him as profit after the payment of all the expenses of his agricultural operations during the previous twelve months. The sum coming to him from its sale is disposed of by his agent in the mother country under instructions from him as follows: fifty pounds sterling in buying clothing for six men who had been

secured as agricultural servants, and in paying the charges entailed in their transportation to Virginia; six pounds sterling in purchasing two guns, and the necessary amount of powder and shot, and also tips and shares for ploughs, and iron tools of different sorts; thirty pounds sterling in buying merchandise to be exchanged in the Colony for cattle; eleven pounds sterling in paying commissions and the like fees, and the remainder in covering the rates of insurance. At the end of the operations of the second year, the planter, who in the beginning had invested barely fifty pounds sterling, finds himself in possession of an estate worth six hundred, in which the value of his live stock is included. Our author compares the condition of such a man with that of the English farmer, whose only aim was to secure enough by his exertions to enable him to pay the rent of his landlord, and to earn a bare subsistence for himself and his family, his life being made up of an unbroken round of grinding labor, unrelieved by even a fleeting hope of accumulating a small pecuniary independence. So great was the confidence of Bullock in the success of the English farmer who would emigrate from his native country to become a planter in Virginia, that he thought it proper to warn all who entertained such an intention, against that inflation of mind which follows the acquisition of riches, and to urge upon them in anticipation of the certain good fortune to which they would attain in the Colony, to hold Providence always in remembrance, as the cause of their happy condition.

Bullock did not restrict to the English farmer the alluring prospect of the great advantages to be obtained by removing to Virginia. The yeoman who drew an annual income of ten, fifteen, or twenty pounds sterling from his fields in England, could rely upon securing an income of

three hundred pounds in the Colony. To the younger son of the great landowner, whose principal estate had descended to his eldest, Virginia offered an excellent opportunity for the investment of what property he had inherited; instead of remaining in the mother country to eke out support of his family on fifty, sixty, or a hundred pounds sterling a year, he could make a settlement in the Colony, and so use his little fortune that in a few years he would be in as easy circumstances as his eldest brother. To the eldest brother himself, Bullock suggested the wisdom in those violent times of not keeping all that he possessed in the kingdom, where it was subject to diminution or entire destruction at any moment, but of dividing it into two parts, and investing one in land in Virginia, in which shape he predicted that in a short time it would become more valuable than the whole of the remainder in England, besides offering a safe harbor to which the owner could fly in case he was overtaken by the storms that the civil distractions of that age were so constantly creating.

CHAPTER VI

AGRICULTURAL DEVELOPMENT, 1650–1685

At every stage in the history of agriculture in Virginia in the seventeenth century, it is necessary to take into careful account the effect upon its progress of English legislation. This legislation touched it principally in the restrictions imposed upon commerce and navigation. As the Colony at this time produced in large quantities but one commodity having an exchangeable value, its single agricultural interest of importance was very sensitive to any obstruction in the way of finding admission to the open markets of the world. As there was always a tendency among the planters to run ahead of the demand for tobacco in England, owing to the fact that their attention was practically confined to the cultivation of one crop, the need of the utmost latitude as to the countries where it could be disposed of was always urgent and dominant. Free trade, in the widest sense of the term, if not absolutely essential to the prosperity of the Virginian, was at least, for reasons which are obvious, highly promotive of his welfare. No one perceived this more clearly than he did himself. The more uncircumscribed the field for the sale of his tobacco, the more satisfactory the prices which he could obtain for it, and the larger the amount which he would be justified in producing.

In his celebrated essay on Plantations, Bacon laid down as a principle of action, that not only should exemption

from customs be granted to the people of a colony in importing their commodities into the mother country, but also that they should be allowed the privilege of conveying these commodities to the markets, whether of their own or a foreign nationality, where they would secure the highest prices. It is not necessary to enter into any discussion as to how far England, in return for the expense of founding Virginia and sustaining and protecting it in its infancy, had an equitable claim to a monopoly of its products. As was seen in the dispute between James and the Company in 1621, with respect to the shipment of tobacco to Holland without payment of the English duties, it was boldly affirmed that the planters had an inherent and immemorial right to transport their crops whithersoever they preferred. Not even citizens of the mother country, however, had possessed this right unconditionally. As far back as the age of Richard the Second, a law had been passed which provided, that no goods should be exported from or imported into England except in vessels that acknowledged allegiance to the English King.[1] The object of this law was to increase the English mercantile marine, and a long course of legislation followed having the same purpose in view. In time, the principle embodied in this legislation was the ground for the absolute denial to the colonists of the right, which they insisted upon in 1621, of transporting their commodities to such markets as were most consonant with their interests. This right they did not necessarily have because they were Englishmen, since their first obligation when shipping their products may have been to the mother country, in consequence of the assistance and protection afforded them. The mother country, on the other hand, was an independent state, holding political and

[1] *5 Richard II*, Stat. I, ch. 3.

commercial relations with all the civilized nations of the world. Native Englishmen, in asserting the right to transport their commodities to foreign lands, were not trenching upon their duty to the parent state, because they were the parent state itself, and it was obviously to the advantage of the parent state that its people should have an unhampered trade with all mankind. It was in reality equally to the advantage of the inhabitants of Virginia in the seventeenth century that they should be permitted to dispose of their products in the open markets of the world. If the mother country, however, was to be deprived of the customs which it levied upon the tobacco exported to England from the Colony, a result that was certain to spring from the diversion of the annual crop to foreign ports, and if the vessels of aliens were to be the vehicles of conveyance, and the aliens themselves should also be at liberty to supply the planters with merchandise, it can be plainly seen that England would derive no benefit from Virginia beyond the fact that it offered a place of settlement to her surplus population.[1]

The first ground of interference on the part of the English Government with the transfer of Virginian tobacco to the Continent was, that this course reduced the royal income by curtailing the volume of customs, and this continued to be the principal cause of objection down

[1] In judging the restrictive policy of England in its commercial relations with Virginia in the seventeenth century, it should be carefully borne in mind, first, that England's ability to afford Virginia the protection which it needed was in large measure dependent upon the customs which were laid on the tobacco imported from Virginia itself; and, secondly, that England not only prohibited the cultivation of tobacco on her own soil, but also excluded from her own markets the tobacco of all foreign countries, in doing which she necessarily increased the cost of the leaf to the English consumer. These sacrifices on her part called, in the opinion of the English people, for some sacrifices in return on the part of Virginia and the other English colonies producing tobacco.

to the passage of the first Act of Navigation in 1651, although the general plan of promoting the increase of English shipping never lost its hold on the public mind. There was previous to this date, however, no distinct policy resembling in consistency and firmness the famous mercantile system of a later period. Whether the reason offered for the opposition to the exportation of tobacco to foreign countries was that the diversion of this commodity from England cut down the revenue of the King or discouraged the building of English vessels, that reason was urged either in instructions to the Governor of the Colony when he assumed control of its affairs, or in a special command from the Privy Council to the authorities in Virginia, or through the medium of a Royal Proclamation. The order in Council bearing date October, 1621, required that the planters should transfer all of their products to England to assure the payment of customs. The instructions to Wyatt in 1639, and Berkeley in 1641, directed them to enforce the same regulations. As an encouragement to shipping, a proclamation was issued in 1624, prohibiting the introduction of tobacco into England in foreign bottoms, and an order in Council at a later date repeated the injunction.[1] In 1641, a number of English merchants urged upon the Government the passage of an Act which should prescribe a clear and well-defined policy for the control of colonial exports.[2] Such a policy had been incorporated in the grant of territory to Lord Baltimore in 1632, the charter obtained by that nobleman providing that all the commodities produced in the province of Maryland should be brought into the kingdoms of England and Ireland, with the reservation to the owners of the right to send out these

[1] Rymer, XVII, pp. 623, 624.

[2] Cunningham's *Growth of English Industry and Commerce*, p. 112.

commodities in the same or other vessels after the expiration of a year.[1]

When Charles was executed, the act was denounced as treason by the people of Virginia and Barbadoes, and the son of that unfortunate monarch was proclaimed as their lawful sovereign. This bold conduct aroused the resentment of Parliament, which in retaliation adopted in October, 1650, an ordinance depriving them of all independent right to sell their commodities in the markets of any country whatever.[2] The only modification of this severe measure was, that the Council of State was left at liberty to grant special licenses to English or foreign merchants and shipmasters to hold commercial relations with the inhabitants of the two Colonies.[3] This ordinance, it will be observed, was adopted, not to confine the transportation of their products to English vessels, but to starve the planters into submission, by closing all the channels of exchange except so far as the English authorities permitted them to be opened. It was a punitive, and not a commercial measure. Twelve months later the first of the celebrated Acts of Navigation was passed, which provided that all goods of the growth or manufacture of Asia, America, or Africa, should be introduced into England only in ships of which the owner, master, and the greater number of mariners were English subjects; and that all foreign products brought into English ports should be conveyed directly thither from the place of growth or manufacture. The practical working of this Act was calculated to advance the interests of English shipping, but it had its origin in part in the desire to cripple the Dutch, against whom the Government was at the time incensed on account of the recent murder

[1] Sharf's *History of Maryland*, vol. I, p. 57.
[2] Scobell, vol. II, p. 132. [3] *Ibid.*

of Dr. Dorislaus, and the failure of its overtures looking to the union of the two peoples. A large proportion of the commodities imported into England, even by English merchants, was conveyed in the vessels of Holland, and this included the tobacco of Virginia.[1] The explanation of this fact was to be found in the greater cheapness of transportation in Dutch bottoms.[2] The Dutch Government protested with much earnestness against the ordinance of 1650, and the Act of 1651, but in vain, and these causes of irritation finally precipitated a war between the two countries. Before it began, Virginia had surrendered to the Commissioners of Parliament, one of the terms of submission granting to her people the full right of free trade.

To what extent was this right enjoyed by the Colony during the supremacy of the Protector?[3] That the right was claimed from the beginning is shown by the incident of Walter Chiles in 1652. Chiles had loaded his vessel on the Eastern Shore with a cargo of tobacco, which he intended to transport to Brazil. While lying in the waters of Accomac, the vessel was seized by Richard Husband, a shipmaster, on the ground that its owner had not obtained the license to trade with a foreign country which had been prescribed by the terms of the ordinance. Chiles at once presented a petition to the local court, alleging that the seizure of his property was wholly illegal, because, under the articles of submission, the right to an absolute free trade had been conferred on the people of the Colony. This reason was admitted by the judges

[1] Anderson's *History of Commerce*, vol. II, p. 415.

[2] *Public Good without Private Interest*, p. 14.

[3] It would appear from the note to Virginia and Maryland, pp. 46, 47, Force's *Historical Tracts*, vol. II, that the grant of free trade was confirmed by Parliament. The last but not the first part of article seven of the terms of surrender was denied. See p. 47.

to be sound and just, and Husband was commanded to restore both the ship and the cargo. He had stolen away, however, with the vessel before he could be intercepted, and in consequence, the court ordered all the papers relating to the case to be transmitted to England as a basis for his prosecution in the courts of that country.[1]

There are indications that Dutch ships set out for Holland from Virginia in the course of 1651 and 1652, having probably left subsequent to the surrender to Parliament, in which event they had been permitted to load without having first obtained a special license.[2] In 1653, the need of such a license was recognized by the authorities of the Colony, doubtless, however, in consequence of the war which had now broken out between England and Holland.[3] In that year the overtures of Stuyvesant for

[1] *Records of Northampton County*, original vol. 1654–1655, pp. 126, 127. See also *William and Mary College Quarterly*, April, 1893, p. 152. The following is from the records of Northampton: "Agreement between the Master of the Farewell and Rowd — from Amsterdam of one part, and John Johnson and John Makule, both of Graft, of ye other part, that the vessel now (1652) lying at Accomac shall go to Holland to load." *Records of Northampton County*, original vol. 1651–1654, July 3, 1652, p. 95.

[2] Sainsbury's *Calendar of State Papers, Colonial, 1574–1660*, pp. 389, 395, 403. In a letter to Stuyvesant, Aug. 6, 1652, the Directors of the West India Company inform him that they had received his reports by way of English Virginia. *Documents Relating to Colonial History of New York*, vol. XIV, p. 185. See also p. 165.

[3] There is in the *Records of Northampton County*, original vol. 1651–1654, folio p. 144, the entry of an Act of Assembly in which it is stated that Parliament had in January, 1653 (N. S.), instructed the Governor and Burgesses to take the proper steps to protect the Colony from the attacks of the Dutch. New England shipowners who were engaged in the Virginia trade do not appear, even when the war was in progress, to have admitted the legal necessity of securing a special license. See *Records of Lower Norfolk County*, original vol. 1651–1656, folio p. 161. The voyage here proposed was not carried out. The form of the special

the establishment of commercial relations between Virginia and New Amsterdam were met with the reply, that no step could be taken by the former until a license had been obtained from the Council of State; and in the following year, two English merchants are found petitioning the English government for permission to sail from Holland to Virginia and Antigua.[1] Another English merchant[2] who was a resident of Amsterdam, applies for a license to transport a cargo from that city to the plantations on the James and York. In 1653, the ship *Leopoldus*, of Dunkirk, a Spanish Fleming, was seized in the Colony and confiscated, on the ground that its master had violated the Act of Navigation. It is a fact of some significance, that the Governor was charged with having gone on board of this vessel and afterwards furnished her with supplies, an accusation which he warmly denied.[3]

After the close of hostilities, a renewed assumption by the Virginians of the right of free trade would seem to be shown by the petition that the owners of the *Charles* offered to Cromwell in January, 1655, in which a commission was sought, authorizing them in the person of their shipmaster to surprise the different vessels occupied contrary to the ordinance of October 3, 1650, in carrying the commodities of the Colony to foreign countries.[4] This

license will be found in Maryland Archives, *Proceedings of the Council, 1636–1667*, p. 382.

[1] Sainsbury's *Calendar of State Papers, Colonial, 1574–1660*, p. 418. One of these merchants was Edmund Custis.

[2] Sainsbury's *Calendar of State Papers, Colonial, 1574–1660*, p. 419.

[3] *Randolph MSS.*, vol. III, p. 248. An interesting account of the manner in which the *Leopoldus* was captured will be found in the *Records of Lower Norfolk County*, original vol. 1651–1656, folio p. 52. The *Leopoldus* was doubtless one of the two Spanish Fleming ships which are known to have arrived in Virginia in 1653. *Randolph MSS.*, vol. III, p. 248.

[4] Petition of the Owners of the Ship *Charles* to Lord Protector,

doubtless referred to the total disregard, on the part of the owners of these vessels, of the rule requiring that a license should be obtained from the Council of State to make the transportation legal. It is a strong evidence that the Virginians did not enjoy, even in 1656, an unqualified free trade, that they found it necessary to protest against the ordinance of 1650, as well as the Act of 1651, both of which had been passed before the surrender to the Commissioners. It was doubtless in deference to the Navigation law that they placed, in 1658, a duty of ten shillings upon every hogshead of tobacco purchased in the Colony with Dutch goods and afterwards dispatched in a Dutch or English vessel bound for a foreign or American port.[1] If, however, the tobacco was sent out in an English ship, which was to discharge its cargo in England, the duty was not to be laid. The impost of ten shillings on each cask, carried on board of a Dutch vessel to be transferred abroad, was possibly in addition to the two shillings levied upon every hogshead exported from the Colony, without regard to the nationality of the owner, or the point of destination which his vessel had in view, this new tax having its origin in a law passed at the same session. In the year following its enactment,

British State Papers, Colonial, vol. XII, No. 33; *Sainsbury Abstracts*, vol. 1640–1691, p. 137, Va. State Library. There is recorded in Lower Norfolk County, for the year 1655, an agreement between a citizen of Plymouth, England, and a citizen of Lynhaven, Virginia, by the terms of which the latter was to furnish one hundred hogsheads of tobacco. If the cargo was landed at Plymouth or London, the freight charge under the contract was to be eight pounds sterling; if in Zealand or Holland, nine pounds. Vol. 1651–1656, folio p. 144. In 1653, Abraham Read was fined and imprisoned because, among other things, he had said that "no foreigners ought to have trade in Virginia," which was declared to be contrary to the terms of the surrender to Parliament. *Randolph MSS.*, vol. III, p. 248.

[1] Hening's *Statutes*, vol. I, p. 469.

the captain of the *Dolphin*, of Amsterdam, is found among the shipmasters who refused to give security for its payment, and in consequence a warrant was issued, requiring him to appear before the Assembly and justify his conduct. It would be inferred from this that either the impost of ten shillings, adopted in the previous March, had been repealed and the captains of Dutch vessels placed upon the footing of English shipmasters, or the impost of ten shillings remained, and the Dutch captains were compelled to pay two duties, amounting together to twelve shillings. The explanation is possible, that the *Dolphin*, of Amsterdam, was loaded with tobacco bought with English and not with Dutch merchandise, which would exempt her cargo from the impost of ten shillings, but not from the impost of two. It is also not improbable that the *Dolphin*, though accredited to Amsterdam, was owned by English merchants, and was sailing with a special license.[1]

The advance in the charges for the transportation of their main crop, which was observed as early as 1657, is an additional indication that the people of Virginia did not enjoy during the whole of the Protectorate all the benefits of open markets.[2] The freight rate increased from four pounds sterling a ton to eight and nine pounds, and in some cases it ran up as high as fourteen. The Dutch had been in the habit of purchasing the tobacco of the planters at three pence a pound, giving for it bills of exchange, which had never failed to be honored; this

[1] Hening's *Statutes*, vol. I, pp. 491, 513. It was the habit of many English traders at this time to purchase East Indian merchandise at Amsterdam, and export it directly to Virginia and the other American colonies. *Documents Relating to the Colonial History of New York*, vol. XIV, p. 385. The *Dolphin* may have been chartered by an English merchant who had bought a cargo of this kind in Holland.

[2] *Public Good without Private Interest*, p. 14.

tobacco they afterwards sold for six and seven pence, leaving them a profit after meeting every expense. On the other hand, the removal, at least in part for a time, of the competition of the Hollanders, signified a heavy decline in the local value of the staple of the Colony, and there was also but a small margin of gain for the English trader, as his market had been narrowed by the amount of the same commodity which the Dutch had, by 1657, been led to produce in territory under their own dominion.[1] Irritated by these evils, and quite probably anticipating worse, the Assembly, in 1660, passed an Act which must, for the time being, have suppressed the masters of English vessels who were attempting, under the supposed protection of the provisions of the English Navigation law, to shut out all foreign commanders who sought to share with them in the transportation of tobacco, and had even gone so far as to seize a number of these alien ships for violating the Act. A regulation was instituted compelling every master of a vessel, who arrived in the waters of Virginia for the purpose of securing a cargo, to enter into a bond that he would not molest any person employed in trading in conformity with the requirements of the colonial laws, under a penalty of two thousand pounds sterling, a sum of enormous proportions in that age.[2] So numerous were the vessels, engaged in the transportation of tobacco, which were not the property of Englishmen, that in the same year the Assembly, ostensibly with a view to reducing the taxes levied on the people of the Colony, but more probably out of continued deference to the Act of Navigation, reimposed a duty of ten shillings on every hogshead exported in a ship not required by the terms of its charter party to

[1] *Public Good without Private Interest*, p. 14.

[2] Hening's *Statutes*, vol. I, p. 535.

discharge its cargo in the English dominions in Europe. This duty was to be paid in the medium of coin, bills of exchange with good security, or in commodities rated at an advance of only twenty-five per cent on the original cost. Persons who transported their tobacco in vessels belonging to Virginians were exempted from this imposition, the principal object of which exception was to encourage the inhabitants of the Colony to purchase vessels, as well as to make it to the interest of mariners to take up their residence there.[1] The provisions of this Act, unlike those of the Act of 1658, with which it is in many respects substantially identical, is expressed in general terms, and does not refer specifically to the traders of any foreign country; in the same year, however, the Assembly included the Dutch in their announcement that they would afford the amplest protection to the ships of all nations at peace with England arriving in Virginia, provided that they paid the impost of ten shillings which had been laid in 1658. This impost was to be reduced to two shillings upon every hogshead received in payment for slaves who had been acquired in exchange for tobacco.[2]

Whatever privileges of free trade had been enjoyed by the Virginians subsequent to their surrender to the Commissioners of Parliament in 1651, privileges which, in practice at least, appeared to spring chiefly from the laxness with which the Navigation Act was enforced in the time of Cromwell,[3] they were destroyed by the second Act of Navigation passed in 1660, one of the first laws adopted after the Restoration. The main object of the Act of 1651, as we have seen, was to promote the increase

[1] Hening's *Statutes*, vol. I, p. 536.
[2] *Ibid.*, p. 540.
[3] Brewster's *Essays on Trade and Navigation*, p. 101.

of English shipping. The second Act, and the measures supplementary to it, aimed not only at preserving and advancing the interests of English shipping, but also at creating for the benefit of the people of England a monopoly in the principal commodities of the Colony. Both the shipowner and the merchant were to be protected and fostered by the same legislation; the shipowner, by the provision that all products imported into or exported from the colonial settlements of England were to be conveyed in vessels possessed or built by Englishmen, and manned by English masters and crews composed of English subjects in a proportion of three to one; the merchant, not only by the requirement that all goods sent to the Colonies, whether of the production or manufacture of a foreign or the mother country, should be exported from England, but also by the clause which prescribed that certain products of the Colonies were to be imported only into England or the English dominions. The most important of these enumerated articles, as they were called, was, with the exception of sugar, tobacco, which was the principal commodity of Virginia. There was no restrictive condition as to the markets in which the grain, fish, and naval stores of the Colonies might be sold.

It is quite evident that for several years after the passage of the second Act of Navigation, its provisions with reference to tobacco were evaded, not only by transporting it to New England and there transshipping it to Holland, but also by forwarding it directly to the Low Countries.[1] There were two devices which at first were successfully used. Many ships, belonging to Dutchmen, claimed to have observed the regulations of the Act by employing a number of English mariners; other vessels,

[1] *Documents Relating to the Colonial History of New York*, vol. III, pp. 44, 45.

which were owned and manned by English subjects, after leaving Virginia sailed at once to Holland, their captains declaring on their departure that they were bound for an English colony, or for the mother country itself. In the instructions given to Berkeley on his resuming executive control in Virginia in 1662, he was expressly commanded, with a view to suppressing further attempts to violate the terms of the Act, to transmit to England a full account of all the tobacco exported from Virginia, the names of the vessels in which it was loaded, the names of the masters of these vessels, and their points of destination. The object of this injunction was not only to inform the commissioners of customs in England of the extent to which the Navigation Act was disregarded, but also to disclose the persons who were guilty of trampling its provisions under foot.[1] It was estimated in 1663, that the illegal

[1] Instructions to Berkeley, Sept. 12, 1662, *McDonald Papers*, vol. I, p. 417, Va. State Library. In a petition, offered by Colonel Edmund Scarborough and entered in the *Records of Accomac for 1663*, vol. 1663–1666, p. 48, it is stated, that at this time each planter was required to take an oath that he would give a true statement as to the amount of the tobacco which he had produced during the season just closed, "to whom it was disposed of and by what boat or other means, it was fetched away." A short time before, five Dutchmen, who formed a part of the crew of the *Northampton*, having been put on shore in order to comply with the Act, which prescribed that three-fourths of the sailors manning an English vessel should be Englishmen, the court ordered the payment to these alien mariners of their full wages and an additional sum to meet the expense of their passage to Europe. *Records of Northampton County*, original vol. 1657–1664, folio p. 86. There is evidence that even the customs officers sometimes connived at the violation of the Act. Thus, in 1663, the *Royal Oak* was seized in the waters of Accomac because it had come directly from Holland with a cargo of merchandise. The owners appear to have made with little difficulty an arrangement with Colonel Scarborough, the customs officer of the Eastern Shore, by which he consented to allow the vessel to be loaded with tobacco and to sail directly to the Low Countries. *Records of Accomac County*, original vol. 1663–1666, p. 46.

shipments to Holland deprived the English treasury annually of ten thousand pounds sterling.[1] As a large part of this loss in revenue arose from the unlawful advantage taken of the intercolonial trade, it was decided, in 1672, to impose a duty of one penny a pound upon all tobacco imported from colony to colony,[2] and it was subsequently held that after the payment of this duty, the owners of the commodity were not at liberty to transport it to a foreign country.[3] In reshipping it, a bond was given by the shipmaster that he would convey his cargo to England,[4] or if the point of destination, after reshipment, was another English colony, the duty of one penny was paid the second time.

The Act of Navigation was more strictly observed in Virginia, as time advanced, in spite of the fact that there was a deep sense in the public mind that it bore with great heaviness upon all the interests of the people. Berkeley, who was most subservient in his loyalty to the King, believed that the measure was very obstructive of any improvement in the condition of the Colony, and this opinion he expressed with great emphasis when answering the inquiries of the Royal Commissioners in 1671.[5] One of the causes of the uprising under Bacon was the oppressive character of the Act, and the expectation that the success of the insurrection would bring relief from its burden to the participants.[6] Hardly had this movement

[1] Sainsbury's *Calendar of State Papers, 1661–1668*, p. 172. See also *Documents Relating to Colonial History of New York*, vol. III, pp. 47–49.

[2] *25 Charles II*, c. 7, § II.

[3] Chalmers' *Political Annals*, pp. 319, 323, 324.

[4] *7 & 8 William III*, c. 22, § VIII. An example of the regular bond given by shipmasters in leaving Virginia, which required them to proceed directly to an English port, will be found in Palmer's *Calendar of Virginia State Papers*, vol. I, p. 48.

[5] Hening's *Statutes*, vol. II, pp. 515, 516.

[6] Beverley's *History of Virginia*, p. 61.

been suppressed, in consequence of the removal by death of the guiding hand of Bacon himself, when one of the leading merchants of London, John Bland, acting as the representative of the people of Virginia and Maryland, addressed a singularly able and convincing petition to the English authorities in charge of the affairs of the Colonies, in favor of the repeal of the Navigation laws, and the statements marshalled in this skilful paper show how injurious to the prosperity of the planters these measures had proved to be after an operation of many years.[1] He asserted that the Navigation Act of 1660 had its origin in the solicitations of the English wholesale and retail dealers in tobacco, to whose obvious advantage it was that England should receive all of this commodity produced in the Colonies, either for distribution among the English population, or for transshipment to Holland. In both instances the trader secured a large profit. As long as he was not contending with Dutch competition, he was in a position to purchase Virginian tobacco at the very lowest rates; thus he often bought it at half a penny a pound, and afterwards sold it at an advance of three or four shillings.

Mr. Bland declared that the Navigation Act was not passed for the benefit of English merchants alone. It was notorious that the vessels of Holland were handled so much more inexpensively than those of England, that they were able to underbid the latter in the charges for freight. It was an inability to compete with Dutch bottoms in an open contest which led the owners of English vessels to solicit, in company with English traders, the passage of an ordinance that would place the Dutch masters of ships

[1] This document, now in the British Public Record Office, is printed in full in the *Virginia Magazine of History and Biography*, vol. I, p. 141 *et seq.*

and tobacco dealers at a great disadvantage. The appeal received a favorable reply on the ground that it would encourage the English sailor. To foster after this fashion the interests of the English merchant and the English shipowner, it was necessary to diminish the profits of the landholders on the James and the York and their tributaries, but the remunerativeness of tobacco culture was not sufficient to bear any considerable division. The Navigation Act resulted in inflicting serious damage upon the planters of Virginia without very greatly benefiting, so far as the Colony was concerned, either the English trader or the owners of vessels, although it substantially promoted their interests. It injured the Virginian planter, because it depressed the value of his only commodity by restricting its market. It increased his charges for ocean transportation by removing the competition of the Dutch bottoms, which were navigated more cheaply than the English. It raised the price of all the articles which he purchased from abroad by giving a monopoly of the sales to the English dealers, and finally, it deprived the public treasury of a large revenue derived from the duties on brandy exported from Holland to the Colony, and on tobacco exported from the Colony to Holland, all of which was devoted to keeping the forts in an effective condition.

Mr. Bland asserted further in his petition, that England at large had not been benefited by the operation of the Act upon the interests of Virginia, and for reasons that were obvious. During the last twelve years the people of Holland, having been shut out of this Colony, the tobacco of which, though still inferior to Spanish, had, in spite of this fact, become more popular with both the Dutch and the English, had been led to experiment in the culture of the plant in their own dominions. Any

deficiency in their crop was supplied by evasion of the Navigation Act, either in the way of smuggling or in navigating English bottoms with Dutch sailors, or by purchase from the importer in whatever English harbor the vessel containing the cargo acquired may have entered, the ship being directed to proceed upon her course. France had been forced, by her exclusion from Virginian waters, to engage in the production of the leaf, and already a large quantity was raised in the provinces of that country. England herself would only buy the amount for which she possessed a market. Her volume of consumption was well known. All in excess of this volume would be left to rot on the dunghills of the plantations, as it could not now be transported either to Holland or France. Bland urged upon the attention of the English Government the justice of allowing the colonists the privilege of exporting to foreign countries the tobacco not needed in England, and he proposed that the Dutch ships should be admitted into Virginia, on condition that they should submit to a tax that would cover the difference of cost between the Dutch and English shipping, and after giving bills of exchange for the settlement of such customs as would have been payable if the cargo were intended for the mother country. This suggestion, which was both reasonable and practicable, did not receive the slightest attention, and the whole petition created no impression on the minds of those whom its author was seeking to influence.[1]

[1] Irregular trading, the natural consequence of the enforcement of the Navigation Act, continued to be a subject of complaint with the authorities in Virginia during the remainder of the century, although an armed vessel was granted by the English Government, to be used in patrolling the coast. One of the objects which this vessel was intended to secure, was to prevent the passage through the Capes of any ship which could not show possession of the usual bond requiring the transportation of its cargo to England. See Report on Ketch, dated Council Chamber, Oct.

In passing the Navigation laws, common prudence suggested to Cromwell and Charles alike the wisdom of prohibiting the cultivation of tobacco in England. It was anticipated that the production of this commodity there would augment the quantity to be vented at a time when the market had been restricted practically to the mother country, and would, therefore, by lowering prices, discourage attention to it in the Colonies, especially in Virginia, and to that extent would not only deprive the people there of their principal means of livelihood, but also reduce the volume of the national revenue from customs.[1] We have seen that when it was proposed, in the time of James the First and Charles the First, to establish a monopoly in the leaf by contract, proclamations were issued to put an end to the cultivation of the plant in English soil; the same motive led to a similar prohibition when the monopoly rested with the English people, instead of with a few individuals as in previous reigns. Before the passage of the Act of 1651, tobacco was produced in large quantities in Gloucester, Devon, Somerset, and Oxford Shires, and its quality is represented to have been so fine, that it was frequently offered for sale and purchased in London as

31, 1683, *McDonald Papers*, vol. VI, p. 278, Va. State Library. Secretary Spencer declared that most of the irregular trading was carried on by shipmasters from New England. See letter to Sir Leolin Jenkins, 1684, *British State Papers, Colonial; McDonald Papers*, vol. VI, p. 310, Va. State Library. In 1686, the ship *Crown*, of London, was forfeited, its commander, Captain Daniel Hogbee, having been found guilty of violating the Navigation Act. *Records of Middlesex County*, original volume 1680–1694, Dec. 3, 1686. Governor Nicolson urged that the Colony should be supplied with frigates and fireships as the only means of suppressing the irregular trading which went on even as late as his administration. *British State Papers, Va. B. T.*, vol. 29, pp. 29–33. See Petition of Joshua Brodbent, 1697, Palmer's *Calendar of Virginia State Papers*, vol. I, p. 56.

[1] Fuller's *Worthies of England, 1662*, vol. I, p. 373.

coming from the Spanish provinces.[1] The Act of 1651 was carried out with so little vigor, that a number of persons who were interested in its enforcement urged Parliament to put it in the strictest operation, as the people of some of the Colonies were already suffering the consequences of an overstocked market for their tobacco, upon the sale of which they were dependent for clothing and other necessaries of life.[2] In conformity with this appeal, commissioners were, in 1654, appointed to execute the Act, and as a result of their interference, many hundreds of acres, which had been prepared for the cultivation of the plant, were converted into pastures or wheat-fields. They met, however, with a strong opposition in performing their duty. Cromwell was even solicited to deprive them of their power, which called forth a counter request from those interested in the welfare of the Colonies, permission to produce the leaf in England being protested against as especially ruinous to Virginia.[3] The most persistent refusal to obey the order came from persons who cultivated land in the vicinity of Winchcomb and Cheltenham.[4] In 1655, Samuel Mathews stated in a petition to Cromwell, that in spite of previous Acts of Parliament and the proclamation of the Protector, the area of soil in the Commonwealth, which had at that time been made ready for tobacco, was more extensive than at any period in the history of the country.[5] When, in 1658, it was attempted to execute the law, the officers whose duty it was to carry it into effect in Gloucestershire were so firmly opposed, that an order of state was issued to the justices of that

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 64.

[2] Sainsbury's *Calendar of State Papers, Colonial, 1574–1660*, p. 417.

[3] *British State Papers, Colonial*, vol. XII, Nos. 36, 37; *Sainsbury Abstracts*, vol. 1640–1691, pp. 138, 139, Va. State Library.

[4] Sainsbury's *Calendar of State Papers, Colonial, 1574–1660*, p. 423.

[5] *Ibid.*, p. 422.

county to command the militia to assist in suppressing any disturbance which would arise in enforcing the statute.[1] After the Restoration, petitions were offered by the leading planters and merchants of Virginia, begging that the sternest measures should be adopted to enforce the prohibitory Acts. As late as 1677, there are many evidences that these Acts were still evaded.[2]

Turning from the English legislation, which had a direct bearing upon the agricultural growth of the Colony at this time, to the growth itself, it will be found that the long interval between the establishment of the Protectorate and the deposition of James the Second in 1688, was marked by a steady progress in Virginian agriculture, but also by many events which temporarily, at least, exercised a reactionary influence upon this interest. In the early part of this period, an unusual degree of attention was given to the culture of the silk-worm. Edward Digges, a man of wealth and prominence, was especially active in making experiments in silk husbandry, Denbigh, on James River and Bellefield in the vicinity of the modern Williamsburg, being the scenes of these experiments. He was in constant communication with John Ferrer and the latter's sister in England, who probably supplied him with seed, and he mentions in a letter to the former in 1654, that he had produced four hundred pounds of bottoms, from which he had extracted about eight pounds of silk. In order to make a beginning, he had imported at his own cost two Armenians, who enjoyed a high reputation in their native country for their skill and experience. In 1654, he informed Mr. Ferrer that he had in the course of that year secured from his own preserve ten pounds

[1] Sainsbury's *Calendar of State Papers, Colonial, 1574–1660*, p. 467.

[2] Petition of Merchants, Planters, and Traders to English Plantations, *Sainsbury Abstracts for 1677*, p. 137, Va. State Library.

of eggs, which he intended to present to several of his friends who wished to become silk masters. The great trouble and expense which he incurred in his effort to revive the culture of silk in Virginia, led in after years to his nomination to the office of Auditor, on the ground that he deserved well of the Colony on this account.[1] Mr. Ferrer, his correspondent, was very anxious to make use of the natural silk bottoms of Virginia, and devised a means by which they could be unwound with ease in spite of their gummy hardness; this consisted in boiling them in very hot lye until nearly dissolved, and then immersing them in scalding clean water. After this had been done, the texture of the bottoms could be drawn out without injury. Ferrer was of a rhyming turn of mind, and left to posterity a series of doggerel lines, which has transmitted the names of the planters giving most attention to silk culture. Besides Mr. Digges, Sir Henry Chichely, Colonels Ludlow and Bernard, Major Westrope, and Mr. George Lobs were very much interested in the industry, and had experimented at length in connection with it.[2] The production of silk was not confined to male Virginians; Mrs. Garrett and Mrs. Burbage, two women of prominence in the Colony, were also engaged in its culture.[3]

The *Reformed Virginian Silk-Worm*, a pamphlet which

[1] Governor Berkeley to Secretary Williamson, June 13, 1670, *British State Papers, Colonial; Sainsbury Abstracts for 1670*, p. 154, Va. State Library. The inscription on the tomb of Digges, at Bellefield, described him as "the only promoter of silk manufacture in this Colony," a claim which, it would seem, was too broad.

[2] There is an interesting letter from Francis Yeardley, dated May 8, 1654, to John Ferrer, in which he asks for a present of silk-worm seed. See Richmond (Va.) *Standard*, Feb. 11, 1882.

[3] Reformed Virginian Silk-Worm, p. 34, Force's *Historical Tracts*, vol. III.

aroused the interest of many English merchants and travellers of reputation in the advancement of silk husbandry in Virginia, seems to have been issued merely to set forth the great advantages that would flow to the planters should they follow Miss Ferrer's example in allowing their silk-worms to feed on mulberry leaves in the open air. Not only would these insects in this situation enrich the colonists without making an outlay of labor on their part necessary, or interfering with the cultivation of their present commodities, but it would even divert the Indians from their rude occupations, as they would find that they could obtain from the settlers the coats, bells, beads, and hatchets which they desired, by exchanging for these articles the silk bottoms which they had gathered from their mulberry trees or in the forest.[1] If the native silk-worm had been equal to the description given of it in this pamphlet, it would not, if it had been cultivated, have fallen short of the glowing expectations of Miss Ferrer, its anticipated influence in civilizing the Indians alone excepted. Its outer bottom was ten inches in circumference and six inches in length. Enclosed within this was a second bottom, in which the worm was wrapped, the whole being embedded in the silk filling the outer bottom, the second bottom concealing the worm being also full of the same material. The Virginian worm in seeking its food did not confine itself to the mulberry, as the silk-worm of all other countries did, but fed with equal avidity upon the leaves of the crab, plum, poplar, oak, apple, cherry, and hickory. Miss Ferrer had received, from friends in Virginia, specimens of worms taken from each of these trees, and they were as large as if they had been nourished by the mulberry. While a thousand English bottoms produced only one pound of silk, from the same

[1] See title page of the *Reformed Virginian Silk-Worm*.

number of Virginian bottoms it was said that at least ten pounds could be obtained, and the care of the worm and the manipulation of the silk were so much less expensive, that the Virginian silk-maker could afford to sell one-third more cheaply than his English rival. The egg in the Colony was hatched in nine days, while in England it required nine months for the insect to make its appearance. In one month the Virginian worm had reached its full development, and in forty-five days was spinning a silk so strong in its texture, that it could be extended in a line for several miles without danger of breaking. The estimated production to a man and boy was sixty pounds, the only tool they required being a twelve-penny reel; the freight was necessarily small, as five hundred pounds of silk occupied in a ship the space filled by only ten pounds of tobacco.[1]

In spite of the enthusiastic hope of this charming advocate of silk culture in Virginia and her disposition to promote it in a practical way, and in spite also of the example which was set by Digges and other wealthy and influential citizens, no real progress seems to have been made towards its general development. The Assembly, in order to induce the Armenian George, who was probably one of the two men who were brought to Virginia by Digges, to remain in the Colony, and to devote himself to the production of silk, gave him four thousand pounds of tobacco. As an additional means of fostering interest in the industry, some form of special encouragement being found absolutely necessary, it was provided that a very

[1] Reformed Virginian Silk-Worm, pp. 25, 26, 33, Force's *Historical Tracts*, vol. III. It is very plain that the ordinary caterpillar of Virginia was at first mistaken for the silk-worm. The statements given in the text, in the form of a synopsis, are interesting as showing how exaggerated were many of the early notions as to the capabilities of Virginia.

large premium should be granted to any one who succeeded in making during the course of a single year an amount of this commodity that could be sold for two hundred pounds sterling; at the same session, it was further enacted that five thousand pounds of tobacco should be presented to any person who could show that he had produced one hundred pounds of merchantable silk. So little effect did this measure have, that in the following session the Assembly, in despair, offered to pay ten thousand pounds as a prize for the manufacture of every fifty pounds of silk, thus doubling the reward and diminishing the amount to be made by one-half.[1] Every owner of land in fee in Virginia had, four years previous to this, been required by a special law, for every one hundred acres in his possession, to plant ten mulberry trees, which were to be inserted in the ground twelve feet apart and protected by a fence. This work was to be finished by the close of 1658. In 1659, this law was repealed because it was found to be more burdensome and troublesome than advantageous to the country.[2] The mere fact that it was necessary to provide for a compulsory planting of mulberry trees was a strong indication that silk culture had no hold upon the inclinations or the interests of the people of the Colony. The repeal of the statute was in itself an admission that no substantial good was accomplished by it. The real explanation of the indifference to silk husbandry in Virginia at this, as well as at every other period in her history, was to be discovered in the statement which Lord Culpeper made in 1682, that her inhabitants

[1] Hening's *Statutes*, vol. I, pp. 470, 487, 521.

[2] *Ibid.*, pp. 420, 520. The Directors of the Dutch West India Company, writing to Governor Stuyvesant in 1657, mention that a few bales of silk had arrived recently from Virginia. *Documents Relating to Colonial History of New York*, vol. XIV, p. 388.

would lay aside all thought of producing silk if there was the smallest reason for anticipating a narrow margin of profit in the cultivation of tobacco.[1] The quality was not a ground for discouragement. While it was never likely to be equal to the expectations of the Ferrers, it was nevertheless so excellent in its texture as to call forth, in 1662, from King Charles the Second, no mean judge of articles of comfort and luxury, the encomium that he had found the Virginian product to be as fine as any of which he had ever made trial.[2]

It is an evidence of the abundance of cattle in the Colony at this time, that a cow was given to every chief, the members of whose tribe had brought to the proper authorities the heads of eight wolves.[3] It was solemnly stated in the text of this regulation, that its principal object was to civilize and Christianize the aborigines. The cow has performed both a conspicuous and a useful part in the history of the human race, but probably never before or since has so high a compliment been paid to her capacity for accomplishing good, as in this expression of confidence in her power to change even the wild nature of the Indian by the softening influence of her presence. A more notable instance of benignant faith is not recorded in the annals of the Colony. The notion which our legislators had in mind was probably that the Indians might be induced to become herdsmen, and in this peaceful occupation some of their savage instincts would be substantially modified. If the testimony of a later witness can be relied on, they did not attach special importance to

[1] Instructions to Lord Culpeper, 1681–82. His Reply, § 71, *British State Papers*, *Virginia*, vol. LXV; *McDonald Papers*, vol. VI, p. 169, Va. State Library.

[2] Instructions to Berkeley, 1662, *McDonald Papers*, vol. V, p. 79, Va. State Library.

[3] Hening's *Statutes*, vol. I, p. 395.

such gifts or derive from them much advantage, for we are informed that they were generally too lazy to milk their cows, and were quietly satisfied to see them perish in winter for the want of food. The inducement offered did not appeal very strongly to the cupidity of the Indians, their love of beef and milk not being as great as their love of pork, for we discover that two years after the novel method of Christianizing them by means of the cow had been tried, the wolves had become so numerous that the Assembly was compelled to authorize the commissioners of the county courts to employ Indian hunters to destroy the packs at stated wages of a nature more valuable in Indian estimation than the gift of a cow.[1]

It was not the wolves alone that diminished the number of cattle belonging to the planters. It had grown to be a habit at this time for owners of land, who had become involved in debt, to withdraw beyond the Chesapeake Bay or to the remotest plantations, and in doing this to carry off with them, not only their own live stock, but the live stock of their neighbors, the two generally running together, as the ranges were unenclosed. To prevent the serious losses incurred in this way, it was provided that a notice of the intention to emigrate to other parts of the Colony should be announced at the county court, and a certificate of the fact obtained from the clerk.[2] By this requirement all of the planters residing in the immediate vicinity of a person who had decided to abandon his home were put on their guard, so that they might take every precaution against the driving away of their cattle. As an additional protection, a severe penalty was imposed upon whoever should seize and use stray horses, cows, and oxen without reporting the fact to the county court, and

[1] Hening's *Statutes*, vol. I, p. 457. [2] *Ibid.*, p. 466.

it was subsequently provided that all such animals should be cried in the churches and chapels of the county.[1] The passage of these laws would seem to show that differences in the proprietorship of live stock running at large were clearly recognized and carefully enforced.

In the winter of 1673, which was the hardest season experienced in the history of the Colony, fifty thousand cattle in Virginia are said to have perished,[2] doubtless from exposure to the excessive coldness, and from the complete ruin of every form of vegetation upon which they relied for subsistence. Three years later, owing to the insurrection which took place then, there was a further destruction of live stock.[3] In spite of frequent losses, the individual holdings of neat cattle were often large. In 1677, John Russell of York was in possession of twenty-eight head, and Edward Lockey of the same county of eighty-four. In 1655, the number of neat cattle owned by the Calthorpe estate, which was situated in York, was sixty-seven, and by the Croshaw estate, seventy-seven; in 1670, Mathew Hubbard of the same county possessed sixty-five head, and in 1675, Francis Mathews forty-five.[4]

In 1654, Simon Hancock of Lower Norfolk owned seventy-six head of neat cattle, and John Sibsey forty-nine. Cornelius Lloyd, in 1655, owned fifty-three head, and Thomas Willoughby, in 1672, one hundred and seventeen. In 1685, Adam Thoroughgood was in possession of the same number. In the following year, the number of neat cattle belonging to Henry Woodhouse was placed at

[1] Hening's *Statutes*, vol. II, p. 124.

[2] Governor and Council to the King, July 16, 1672, *British State Papers, Colonial*, vol. XXX; *Winder Papers*, vol. I., p. 284, Va. State Library.

[3] Beverley's *History of Virginia*, p. 69.

[4] *Records of York County*, vol. 1664–1672, pp. 215, 256, 258, 330, 464; vol. 1671–1694, p. 131, Va. State Library.

one hundred and ten. These were the largest owners of live stock in the county in the course of this interval.[1]

The custom was general at this, as well as at a subsequent period, of giving names to favorite cows, among which may be mentioned Broadhorn, Crumple, Brownie, Minx, Blackbird, Redbird, Whitebelly, Whiteface, Whiteknee, Spot, Modesty, Pink, Rosebud, Violet, Daisy, Blossom, Plum, Cherry, Chestnut, Strawberry, Sloe, Marigold, Lily, Primrose, Nightingale, Madcap, Pudding, Dumpling, Pride, Frost, Pretty Maid, Nutmeg, Ginger, Cinnamon, Daggletail, Everywhere, Sweeting, Mouse, Mealy Mouth, Golden Locks, Truelove, and Scatterall.

The habit of furnishing but little food to cattle in winter still prevailed, the provender which they received, when it was supplied at all, being the shucks of Indian corn, to which occasionally a small quantity of wheat straw was added.[2] There are still indications that in some instances, when plantations were rented, it was provided in the contract that the lessee should furnish fodder for the live-stock.

In many of the outlying counties herds of wild cattle were still found; the Assembly, in 1661, declared that no one should have the right to hunt them unless he had first obtained a public license to do so. Governor Moryson, in 1662, granted this privilege to several planters in Lower Norfolk County, in which such cattle were numerous,[3] including both those that were private property and those which no one could claim as his own. In 1675, Antony Lawson admitted, in a petition offered in court, that

[1] *Records of Lower Norfolk County*, original vol. 1651–1656, f. pp. 53, 146, 168; original vol. 1666–1675, f. pp. 126, 224; original vol. 1686–1695, f. p. 25.

[2] Glover in *Philo. Trans. Royal Soc., 1676–1678*, vols. XI–XII, p. 630.

[3] *Records of Lower Norfolk County*, original vol. 1656–1666, f. p. 348.

he had a stock of untamed cows and oxen running at the head of Lynhaven River, but it would be possible to gather only a few into one body.[1] The law inflicting a fine on all who killed wild cattle, without having the proper authority, was strictly enforced in this county.[2] In 1659, cows were valued in York at two pounds and five shillings apiece; yearling steers at thirty-five shillings, and bulls, three years of age, at one pound and fifteen shillings.[3] In 1682, fourteen cows, belonging to Robert Hodges of Lower Norfolk, were appraised at fourteen pounds sterling, or one pound apiece, but there was probably a special reason for so low a figure.[4] In 1674, a bull was valued in Lancaster County at two pounds sterling.[5]

In 1649, the number of horses in Virginia, as has been already stated, was only three hundred, and their subsequent increase seems to have been at a moderate rate. In 1665, there were two hundred and sixty-eight of these animals in York,[6] and in Lower Norfolk, sixty-four.[7] The extraordinary esteem in which they were held was shown by the appraisement, in the former county in 1659, of a gelding, fifteen years old, at thirteen pounds sterling.[8] A mare and a foal in that county were entered, in 1688, as equal in value to eight cows.[9] A yearling colt was listed at four pounds sterling, an excess of three

[1] *Records of Lower Norfolk County*, original vol. 1675–1686, f. p. 12.

[2] *Ibid.*, 1666–1675, f. p. 74.

[3] *Records of York County*, vol. 1657–1662, p. 195, Va. State Library.

[4] *Records of Lower Norfolk County*, original vol. 1671–1686, f. p. 116.

[5] *Records of Lancaster County*, original vol. 1674–1689, Feb. 8, 1674. In 1663, cows were valued in Rappahannock at two pounds and ten shillings apiece; heifers at two pounds; steers at three, and bulls at one pound and fifteen shillings; original vol. 1656–1664, p. 294.

[6] *Records of York County*, vol. 1664–1672, p. 37, Va. State Library.

[7] *Records of Lower Norfolk County*, original vol. 1656–1666, f. p. 313.

[8] *Records of York County*, vol. 1657–1662, p. 195, Va. State Library.

[9] *Ibid.*, vol. 1664–1672, p. 332, Va. State Library.

pounds in comparison with the price put upon a two year old bull in the same county at this time.[1] The value of a horse in Lower Norfolk, in 1682, was about three pounds sterling. In 1660, a horse in Lancaster was sold as high as fifteen pounds.[2]

The proportion of these animals in the inventories of estates in York may be seen from a few references. Edward Lockey, who, in 1657, owned fifty-seven head of neat cattle, had only eleven horses. Joseph Croshaw had eleven horses to seventy-seven head of neat cattle, and Mathew Hubbard twelve horses to sixty-five head of neat cattle. In 1675, Francis Mathews, who possessed forty-five head of neat cattle, was the owner of only three horses.[3]

The proportion seems to have been substantially the same in Lower Norfolk County. William Moseley, who owned sixty-three head of neat cattle, had only six horses. Thomas Willoughby possessed one hundred and seventeen head of neat cattle and seven horses. Henry Woodhouse owned two horses to one hundred and ten cows, steers, calves, and bulls. The proportion in the estate of Adam Thoroughgood was much larger; he possessed one hundred and seventeen head of neat cattle and forty-two horses.[4]

The number of horses in other parts of Virginia must, by 1669, have grown notably larger, for in that year they were referred to in an Act of Assembly as being a burden rather than an advantage to the people, owing to their depredations, and in consequence of this fact their importation was prohibited. In every instance in which this

[1] *Records of York County*, vol. 1664–1672, p. 12, Va. State Library.

[2] *Records of Lancaster County*, original vol. 1654–1702, p. 127.

[3] *Records of York County*, vol. 1664–1672, pp. 261, 330, 331, 401; *Ibid.*, vol. 1671–1694, p. 130, Va. State Library.

[4] *Records of Lower Norfolk County*, original vol. 1666–1675, pp. 107, 126; original vol. 1686–1695, f. p. 25; original vol. 1675–1686, f. p. 224.

provision was violated, those brought in were seized and devoted to the public use.[1] The law forbidding their exportation had been revoked during the previous year. In 1662, a tax had been laid upon these animals in order to supply funds for the payment of the rewards offered for the destruction of wolves, but as this tax was felt more heavily in the frontier counties, where the wolves were greatest in number and the horses were fewest, its repeal was considered to be advisable.[2] The owners of horses were thought to be more or less easy in fortune, and were, therefore, required to confine them between July 20th and October 20th, as it was looked upon to be too much of a hardship for a poor man to be compelled to erect high fences to keep out those which were suffered to run at large. It is difficult to see what advantage could accrue to the small planters from such a regulation as this as long as hogs were allowed to have the free range of the woods, unless horses roaming as they chose were peculiarly disposed to encroach upon the cultivated fields, not finding their food in the forests with the same facility as other kinds of live stock.

As late as 1672, there were but a few sheep in the Colony in proportion to its area.[3] Many planters in York were the owners of small flocks, being encouraged to devote some attention to sheep husbandry by the fact that the wolves had been very much diminished in number. In 1666, there were enumerated as a part of the Crouch estate, six ewes, five lambs, and two wethers. The Seabrell inventory, which bears the same date, included eight sheep.[4] In 1667, Colonel Joseph Croshaw of York owned forty

[1] Hening's *Statutes*, vol. II, p. 271. At this time some appear to have been imported from New England. [2] *Ibid.*, p. 215.

[3] Glover in *Philo. Trans. Royal Soc.*, 1676–1678, vols. XI–XII, p. 630.

[4] *Records of York County*, vol. 1664–1672, pp. 151, 176, Va. State Library.

ewes, nineteen lambs, seven wethers, and one ram.[1] William Barber, in 1668, bequeathed seven sheep to his heirs, while Colonel Thomas Ludlow had fifty-four in his possession at the time of his death. Mathew Hubbard, who died in 1670, owned twenty-four ewes, two lambs, three wethers, and six rams.[2]

The planters of Lower Norfolk, whose estates in neat cattle and horses have already been referred to, owned the following number of sheep: William Moseley, seven; Thomas Willoughby, twenty-two; Henry Woodhouse, forty, and Adam Thoroughgood, forty-nine. Robert Smith, who possessed thirty-two head of horned cattle, owned seventeen sheep; and the flock of Robert Hodges, who owned forty-six horned cattle, was of the same size.[3] Robert Beckingham of Lancaster, in 1677, was in possession of seventy-six;[4] William Fauntleroy of Rappahannock, of forty, and Major Henry Smith of the same county, of forty-one.[5] Henry Randolph of Henrico owned eighteen;[6] George Watkins of Surry, forty-six;[7] Southey Littleton of Accomac, ninety-six,[8] and Peter Wilkins of Northampton, thirty-six.[9] In several cases sheep formed an important part of the estates seized by the authorities after the suppression of the Insurrection of 1676.[10] The

[1] *Records of York County*, vol. 1664–1672, p. 401, Va. State Library.

[2] *Ibid.*, p. 464, Va. State Library.

[3] *Records of Lower Norfolk County*, original vol. 1686–1695, f. p. 24; original vol. 1675–1686, f. p. 116.

[4] *Records of Lancaster County*, original vol. 1674–1687, f. p. 36.

[5] *Records of Rappahannock County*, original vol. 1677–1682, pp. 39, 40, 313.

[6] *Records of Henrico County*, vol. 1688–1697, p. 429, Va. State Library.

[7] *Records of Surry County*, vol. 1671–1680, p. 73, Va. State Library.

[8] *Records of Accomac County*, original vol. 1676–1690, p. 296.

[9] *Records of Northampton County*, original vol. 1654–1655, p. 110.

[10] Warrant of Governor Berkeley to seize the estate of Robert Kay;

Assembly adopted, from time to time, regulations that were likely to increase the number of these animals, which, at this period, were valued at six shillings apiece.[1] One of the most effective was to prohibit their exportation,[2] and this was followed by offers of large inducements for the destruction of wolves. In 1666, rewards were paid in York at one levy for the heads of seventeen. In 1668, the same county paid twenty-two hundred pounds of tobacco for eleven heads. In 1672, twelve hundred pounds were expended. In the levy for November, 1675, in Middlesex County, allowance was made for the payment of rewards for four wolves' heads, and in one of the levies for 1681, there was a similar allowance for five heads. In 1656, the November levy in Lancaster County provided rewards for twenty-one. By an Act of Assembly passed in 1669, the Indian tribes were required to deliver annually one hundred and forty-five wolves' heads.[3] The destructiveness of these animals was not confined to sheep; in many cases the planters had reason to lament the fact that young calves owned by them, which were running in the woods, had been devoured by wolves.[4]

Abundant as hogs were at this time, it is common to find among the debts enumerated in the inventories, specialties for so many pounds of pork.[5] An attempt was made by many of the planters to mark their swine, but in the appraisement of their estates the number in their possession was frequently returned as unknown.

Letter of Humphrey Harwood, *Sainsbury Abstracts for 1676*, pp. 110, 114, Va. State Library.

[1] *Records of Lower Norfolk County*, original vol. 1675–1686, f. p. 116.

[2] Hening's *Statutes*, vol. I, p. 463; vol. II, p. 128.

[3] *Ibid.*, vol. II, p. 275.

[4] *Records of York County*, vol. 1657–1662, pp. 230, 342.

[5] See, for one among many instances, *Records of York County*, vol. 1664–1672, p. 469, Va. State Library.

There are indications that shelter was given to sows with litters of young pigs, the tobacco houses being thrown open to them for this purpose.[1] It was acknowledged in an Act of Assembly, passed in March, 1662, that the crime of stealing and killing hogs was rarely punished, although it was very frequently committed, a proof that swine had now increased to large numbers, and that they were the cause of no expense to their owners on account of the facility with which they discovered food while running wild in the forests and marshes. It was thought necessary to make the hog-stealer suffer for his disregard of the rights of others, but instead of defining his act as a felony, the law simply mulcted him one thousand pounds of tobacco, and if he was unable to pay such an amount, compelled him to go into the service of the owner of the hog which had been stolen, for a period of twelve months. This enactment had so small an effect in curing the evil to be removed, that it was provided at a later date that for the second offence of hog-stealing, the guilty person should be placed in the pillory for two hours with his ears nailed to the beam, and at the end of that time they should be cut loose with a knife.[2] This severe punishment was prescribed a few years after the suppression of the Insurrection of 1676, which, as has been pointed out, had been highly destructive of all kinds of live stock. It is to be noted, however, that not until the third offence had been committed was the act declared to be a felony. As the Indians were very much disposed to kill the swine of the colonists, and it was difficult to detect them, it was provided that all persons of that race should be considered competent to give testimony when they had been witnesses of the crime. Every tribe owning hogs was

[1] *Records of York County*, vol. 1664–1672, p. 212, Va. State Library.

[2] Hening's *Statutes*, vol. II, pp. 440–441.

required to distinguish them by a mark peculiar to the tribe.[1] In 1655, twenty head of swine belonging to the estate of John Thomas, of York, were valued at the rate of thirteen shillings apiece, ten shoats at the rate of three shillings, and four at the rate of five.[2]

It is an interesting fact, that every tithable person was still required to cultivate two acres in maize; this regulation was originally established to prevent the recurrence of the famines which were so liable to follow from the gross inattention to every product except tobacco, and the repeated reënactments of the law indicate that, although the Colony had expanded so much in population and wealth, it was still subject to the influences and vicissitudes observed thirty years earlier. It is, however, worthy of attention, that in the same Act the planter was allowed, if this was his preference, to substitute one acre in English wheat for the two acres in Indian corn. The object of this was stated to be to promote the sowing of the former grain.[3]

If the prices of grain in 1666 are compared with the prices in 1682, as prescribed by law, it will be seen that there was in this interval no substantial change in them.[4] Wheat sold at four shillings a bushel both in 1666 and 1682, barley at three shillings and six pence in 1666, and three shillings seven and one-quarter pence in 1682, oats

[1] Hening's *Statutes*, vol. II, p. 317.

[2] *Records of York County*, vol. 1664–1672, p. 78, Va. State Library.

[3] Hening's *Statutes*, vol. II, p. 123. There are entries in the county records showing that this Act was strictly enforced. Many planters were from year to year prosecuted for neglecting to comply with its requirements. See *Records of Lower Norfolk County*, original vol. 1656–1666, pp. 195, 362; original vol. 1675–1686, p. 197.

[4] Hening's *Statutes*, pp. 233, 506. Figures in money sterling were used merely to measure the quantity of tobacco, which was the real consideration in the sales.

at three shillings in the former year, and three shillings seven and one-quarter pence in the latter, while shelled Indian corn commanded two shillings during the whole of this period. The appraisements of grain in contemporaneous inventories disclose, that the prices fixed by the Assembly were not strictly followed, but it should be remembered that such valuations were governed by the present condition of the articles. In 1665, nine bushels of beans, forming a part of the personal property of John Thomas of York, were entered at eighteen shillings, seven bushels of barley at sixteen shillings and three pence, ten bushels of wheat at one pound and ten shillings, three bushels and one peck of oats at six shillings and six pence.[1]

A comparison of the prices of wheat in Virginia in 1666 and 1682, with the prices of the same cereal in England in these years, reveals that there was no great difference between the two countries, the charge for a quarter weight in England in 1666 being twenty-eight shillings and one and one-fourth pence, and in 1682, thirty-four shillings and five and three-fourths pence, that is to say, three and one-half shillings a bushel in one instance, and four and one-fourth in the other.[2] The superiority of these last figures over the four shillings a bushel prescribed by law in Virginia in 1666 and 1682, represent very probably the enhancement in the price of wheat in the Colony when sold without regard to the provisions of the statute. In 1665, barley was disposed of in the mother country at the rate of eighteen shillings a quarter, or two shillings and one-fourth a bushel; in 1682, at nineteen shillings a quarter, or two and three-eighths a bushel.[3] This, as we have seen, was less than the prices

[1] *Records of York County*, vol. 1664–1672, p. 78, Va. State Library.
[2] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 272.
[3] *Ibid.*, p. 272.

demanded for the same grain under the provisions of the statute in Virginia in these two years, the difference between the prices in the Colony and England being attributable to the small amount of barley produced in the former.

In 1666, the price of a quarter of oats in England was thirteen shillings and eleven pence, and in 1682, fifteen shillings two and one-fourth pence, or, measuring by the bushel, about one and three-fourths in each of the years referred to. This was very much lower than the value of this grain in Virginia in 1666 and 1682, the explanation of which fact, as in the instance of barley, is to be sought in the comparative scarcity of oats in the Colony. The approximate equality of the prices of wheat in Virginia and England at this period, reveals how impossible it was for the planters to derive any profit from its conveyance to the mother country, even if the new duties laid on imported grain there had been removed. The great advance in English wheat in 1673, 1674, and 1678[1] would not have enabled them to surmount the barrier which the customs created. There was not the smallest ground for hoping that either barley or oats could become profitable articles for exportation to England, as their value was higher in Virginia than in the former country.

All the barrels in which Indian corn was sold were stamped by the commissioners of the county courts with the letters V. C. They were required to be sufficiently large to contain forty gallons according to Winchester measure.[2] The size of the tobacco casks was also established by law in consequence of the numerous complaints on the part of the masters of ships as to the variation in the dimensions of the hogsheads, which in some instances

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 272.
[2] Hening's *Statutes*, vol. I, p. 473.

were of extraordinary bulk, and in others of very small, thus making it difficult to place a load in the hold of a vessel to the greatest advantage in point of space. The hogsheads were required to be forty-three inches in length, with a head twenty-six inches in width.[1] The gross weight of the full cask at this time was about four hundred and seventy-five pounds,[2] but the complaints of the shipmasters show that it was very frequently in excess of these figures.[3] Many years subsequent to this time, the masters of vessels, in order to store away in their ships cargoes as large as could be crowded into the hold, deliberately mutilated the hogsheads,[4] diminishing the quantity of tobacco in them and damaging its quality. To such an extent was this illegal practice carried, that it had to be expressly prohibited by an act of legislation.

No tobacco was allowed to be planted after the 10th of July. If planted after that date, it could hardly ripen fully before the arrival of frost, and would only go to swell the volume of inferior grades. This was already sufficient to lower the prices of the annual crop.[5] As a further means of improving the general character of the product, there were stringent regulations to prevent the tending of seconds, which, putting forth after the original leaves had been pulled from the stalk, were not only mean in texture, but, as a rule, had to be cut before

[1] Hening's *Statutes*, vol. I, p. 456.

[2] *Records of York County*, vol. 1657–1662, p. 278, Va. State Library; see also pp. 40, 307. The net average weight of 189 hogsheads entered in 1657 in the inventory of Hugh Stanford, was 390 pounds. *Records of York*, vol. 1657–1662, p. 64, Va. State Library.

[3] Hening's *Statutes*, vol. I, p. 456.

[4] Spotswood refers to this fact in his official letters, published by the Virginia Historical Society.

[5] Hening's *Statutes*, vol. I, p. 496; repealed September, 1663, vol. II, p. 202.

maturity, like tobacco planted after the 10th of July. Careful measures were adopted to put a stop to the passing of ground leaves as a merchantable commodity.[1] The original law on the subject was for some time systematically evaded, this inferior sort being sold secretly in small quantities at different times to sailors, who were either ignorant of its quality, or were tempted to buy it on account of its excessive cheapness. An additional penalty in consequence was imposed; for every hogshead of ground leaves sold in the Colony, three hogsheads of good tobacco were to be forfeited by the party guilty of the act, and for every hogshead of ground leaves shipped to England, the owner was to be mulcted ten hogsheads by way of punishment. This law was subsequently changed by the adoption of a provision altering its terms without diminishing its severity. It was declared that the detection of five pounds of ground leaves in a cask should expose its owner to a forfeit of five thousand pounds of tobacco, and the Grand Jury was specially enjoined to enforce the strictest observance of this Act.[2] Many years later, the same regulations and a penalty equally as great were adopted in the instance of stalks, stalks being even more objectionable than ground leaves as a part of the contents of a hogshead, or intermingled with a cargo shipped in bulk.[3]

In 1665, the ships sailing from Virginia with cargoes of tobacco represented the following English towns: Bristol, Weymouth, Dartmouth, Hull, Plymouth, London, Biddeford, and Barnstaple. Nine of these outgoing vessels were from Bristol alone.[4] In the latter part of

[1] Hening's *Statutes*, vol. I, p. 524.

[2] *Ibid.*, vol. II, p. 119. [3] *Ibid.*, vol. III, p. 35.

[4] "Twenty-one Bonds of Shipmasters," *British State Papers, Colonial Papers; Sainsbury Abstracts for 1666*, p. 87, Va. State Library.

May, 1666, eighteen hailing from this city, and thirteen from other ports departed from the Colony. In 1667, in addition to several Dutch men-of-war which had made their way into James River, there were anchored in that stream nine merchantmen from Bristol, two from London, and seven from other river or seaboard towns in the mother country.[1] The number of English and Irish vessels, annually engaged in transporting tobacco from Virginia to England and Ireland, was eighty on the average. In some years this number increased, and in others fell off. Thus, in 1689, it is probable that not more than thirty-nine ships sailed from England to Virginia and Maryland together.[2]

In 1662, a petition signed by persons who were interested, as planters, merchants, shipowners, or masters, in the tobacco crops of Virginia and Maryland, was offered to the King for the purpose of forcing those in control of the vessels engaged in this trade to leave the two Colonies only in the months of May, June, July, and August.[3] This petition was denied. A few years later it was brought forward again, and again refused on the ground that the proposed regulation would be a source of great inconvenience to the mass of planters, and would be injurious to the interests of the customs.[4] When, however, war broke out between England and Holland

[1] James Hayes to John Fitzherbert, *Domestic Charles II*, vol. 213, No. 103; *Sainsbury Abstracts for 1666*, p. 120, Va. State Library.

[2] See list of those sailing in convoy in November, 1689, which was probably the whole number setting out in the autumn of that year. *British State Papers, America and West Indies*, No. 512; *McDonald Papers*, vol. VII, pp. 257–258, Va. State Library; Neill's *Virginia Carolorum*, p. 336.

[3] *British State Papers, Colonial Papers*, Jan. 8, 1662; *Sainsbury Abstracts for 1662*, pp. 13, 19, Va. State Library.

[4] Memorandum for the Order in Council for stinting Tobacco, *British State Papers, Colonial Papers*, Nov. 25, 1664; *Sainsbury Abstracts for 1664*, p. 66, Va. State Library.

in 1666, orders were given that all ships which were to sail from Virginia should depart only at one of three dates, namely, the twenty-fourth of March, June, or September; the object of this instruction was to require such vessels to set out together, which would enable them to furnish protection to each other even if unaccompanied by a convoy.[1]

The duty of two shillings a hogshead, which had been repealed in 1659, was revived in 1662, and became for a long time a source of large revenue. It was expected that this duty would take the place of the poll tax, which was considered to be unequal in its operation; that in increasing the volume of revenues it would ensure the better payment of the public officers; that it would promote the influx of coin into the Colony; and finally, that it would direct the attention of the planters to a diversification of their crops. This, it would seem, was hardly probable, unless the effect of the duty would be to diminish the demand for tobacco abroad by augmenting its price; if this were to occur, it was not likely that the revenues would show an increase in spite of the amount of the duty imposed on each hogshead. The duty itself was to be paid in coin, bills of exchange, or goods valued at an advance of thirty per cent upon the original cost.[2] Ample security for the integrity of the bills was to be given when delivered. After the repeal of the tax of ten shillings, so far as it bore upon the exportations to the northern communities in northern ships,[3] the tax of two shillings was practically the only one in force, with the exception of the penny imposed upon every pound of

[1] King to Governor Berkeley, Nov. 15, 1666, *Domestic Entry Book*, vol. 24, pp. 32–34; *Sainsbury Abstracts for 1666*, p. 99, Va. State Library.

[2] Hening's *Statutes*, vol. I, p. 491.

[3] *Ibid.*, vol. II, p. 218.

tobacco conveyed from Virginia to the other Colonies. The duty of two shillings was, in 1662, approved by the authorities in England.[1] In 1670, it became inconvenient to receive from the masters of vessels merchandise in settlement of it, and, in consequence, payment was restricted to coin and bills of exchange.[2] As a large amount of tobacco was, by 1671, shipped in bulk, the tax was fixed at two shillings upon every five hundred pounds transported in this loose state, with a sliding scale for smaller quantities.[3]

During the interval between 1662 and 1679, it was found necessary to pass a special law for the collection of this duty in the counties of Northumberland and Westmoreland on the Potomac, Northampton on the Eastern Shore, and Lower Norfolk on the James. Many ships arriving in the Potomac came to anchor in the waters of Maryland, and sloops and shallops were dispatched by the masters to the other side of the river to bring over the tobacco. In order to put a stop to the loss of revenue resulting from this, the planters in Westmoreland and Northumberland were required to inform the collectors in those counties as to the amount of their crops, and the persons to whom these crops had been sold. No tobacco was to be delivered to the purchaser until the collector of the district in which it was lying had given his certificate that the duty had been paid, the penalty for the violation of this provision being a fine of twenty shillings for every hogshead wrongfully exported.[4] The same regulation was extended to Northampton and Lower Norfolk, because a considerable quantity of the same commodity was transferred from those counties to Maryland to be reshipped abroad. It was not

[1] Hening's *Statutes*, vol. II, p. 177.
[2] *Ibid.*, p. 283. [3] *Ibid.*, p. 413. [4] *Ibid.*, p. 132.

until seventeen years had elapsed that these provisions were repealed.[1]

In many instances, when the public enemy had seized cargoes of tobacco, the duties upon which had been paid, the owners were afterwards permitted to carry out of the Colony the same quantity without being compelled to meet the usual tax.[2] In 1680, the duty was again fixed at two shillings, payable only in the current coin of England; and the whole amount collected was to be devoted exclusively to the support of the government in Virginia. Stringent regulations were again adopted to prevent the evasion of the law. The boatswain's book was to be delivered to the collector by the shipmaster, who was to take oath as to the accuracy[3] of the number of hogsheads shown by its entries to have been brought on board; for every part of his cargo which he concealed, he was to forfeit one hundred pounds sterling and treble the amount of the tax, and he might even be compelled to give bond for any possible excess in the quantity of tobacco really exported by him over what he had sworn he had placed in the hold of his vessel. It reveals not only the disposition of shipmasters to brush aside the requirements of the statute, but also the great number of opportunities open to them to do so, that a special allowance of considerable value was made them for returning a perfectly accurate statement as to the size of their cargoes.

The duty of receiving the tax imposed on the hogsheads of exported tobacco fell upon an officer known as the collector, who gave security for its proper performance. This officer was, before the second Navigation Act, appointed by the Assembly.[4] After the passage of that Act, he was empowered to carry out the functions of his

[1] Hening's *Statutes*, vol. II, p. 443.
[2] *Ibid.*, p. 309. [3] *Ibid.*, p. 466. [4] *Ibid.*, vol. I, p. 492.

office by the Commissioners of Customs in England.[1] The Naval Officer filled a position which was created by the Act of Navigation, although he seems to have received his commission from the Governor, being required, however, to give security to the English Commissioners of Customs. He was expected to make entry of vessels, to furnish clearances, and to compel the shipmasters to fulfil all the conditions embodied in their bonds.[2]

From 1655 to 1662, the average value of a pound of tobacco in Virginia would seem to have been barely two pence,[3] and when sold in England brought hardly four pence.[4] This left so small a margin of profit that, in 1662, a paper signed by many planters and merchants was offered to the King in Council, begging him to command a total cessation of tobacco culture in Virginia and Maryland during the year 1663. Following the customary line of argument, the petitioners alleged that this would be an effective means of directing the attention of the people of those Colonies to the staple commodities. It is a remarkable commentary on the change of feeling towards tobacco on the part of the authorities in England that this appeal was rejected, and express instructions given[5] that no similar document should be presented to the Council again,

[1] Palmer's *Calendar of Virginia State Papers*, vol. I, p. 51.

[2] *Letters of Governor Spotswood*, vol. I, pp. 96, 97.

[3] Reformed Virginia Silk-Worm, p. 36, Force's *Historical Tracts*, vol. III; *British State Papers, Colonial Entry Book*, No. 83; *McDonald Papers*, vol. VII, p. 90, Va. State Library. In one instance, in 1661, a planter of York County obtained three pence a pound, but this was undoubtedly exceptional. *Records of York County*, vol. 1657–1662, p. 430, Va. State Library; see also p. 259 of the same volume.

[4] *Records of York County*, vol. 1657–1662, p. 115, Va. State Library; *Records of Lower Norfolk County*, original vol. 1666–1675, p. 64.

[5] Petition of Planters and Merchants of Virginia to the King and Order in Council, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1662*, pp. 17, 19, Va. State Library.

but this action was subsequently recalled, probably because it was considered to be both illegal and intemperate.

The Privy Council seems to have so far yielded to the wishes of the people of Virginia as to issue an order on the 29th of June in the same year, authorizing the Assembly to appoint commissioners to hold a conference with representatives of Maryland. This body convened in May, 1663, at Mr. Allerton's at Wicocomico, and recommended that all planting after the 20th day of June should be prohibited,[1] but the proposition, although it received the approval of the Assembly of Virginia, was rejected by the Assembly of Maryland.[2] It would appear that at the meeting of the commissioners, the representatives of the latter Colony had urged that there should be a total cessation for one year, but this had been opposed by the Virginians on the ground, first, that without tobacco, the planters would be unable to give those of their servants, whose terms had expired, the prescribed quantity of grain, clothes, and tools, because these articles could only be purchased with that commodity; and secondly, that shipowners having no freight to look forward to transporting to England would not visit those parts, and, therefore, all foreign supplies would be cut off.[3] The refusal of the Maryland Assembly to accede to the proposition of the Virginians as to the prohibition of planting after the 20th day of June, was based partly on the disadvantage which the people of Maryland would suffer, their more northerly situation not permitting them to transplant at as early a date as persons living further to the south; partly, on their present inability to obtain a livelihood except by the production of tobacco; and partly, on the

[1] Hening's *Statutes*, vol. II, p. 200.

[2] Archives of Maryland, *Proceedings of the Council, 1667–1688*, p. 5.

[3] *Ibid.*, *1667–1688*, p. 16.

uselessness of stinting the quantity cultivated in the two Colonies unless the curtailment was extended to the English dominions in the West Indies.[1]

This was not the first suggestion as to a prohibition of planting after a certain day which had been offered by the Virginians. In the previous year this plan of remedying the evil of over-production had been brought forward in the Assembly at Jamestown, it being then enacted that no tobacco should be transferred from the bed to the field after the month of June, provided that the consent of the people of Maryland to follow the same course could be obtained. In case it could not, then the existing rule restricting planting to the season preceding July 10th was to remain in force.[2] The earnestness of the colonists in establishing the regulation was shown in their refusal to admit that the royal pardon could be extended to an offence against its provisions.[3]

In 1664, the tobacco gathered in Virginia and Maryland amounted in volume to fifty thousand hogsheads. As the population of both Colonies was about forty thousand at this time, the production to the individual was equal to a hogshead and a half; the average cask was now valued at three pounds sterling, which made the whole crop worth one hundred and fifty thousand pounds sterling, or three pounds and three-quarters for every person. It is not surprising to find that the smallness of this price brought the planters in debt to the extent of fifty thousand pounds sterling. These facts were set forth in a petition offered to the King in the course of this year by the Governor and Council of Virginia, who complained that the people of Maryland had disobeyed the order of 1662 commanding a curtailment of production in the two

[1] Archives of Maryland, *Proceedings of Council, 1667–1688*, pp. 15, 16.
[2] Hening's *Statutes*, vol. II, p. 32. [3] *Ibid.*, p. 36.

Colonies. They prayed that this order should be enforced.[1] The appeal of the Virginian authorities was transmitted by the King to Lord Baltimore, then in England, in order to obtain his reply. This reply was well calculated to produce the effect upon the minds of the King and Council which it was designed to have. Baltimore declared that a partial cessation would not accomplish the object desired, and that its only result would be to cut down the royal customs; that the proceeds from tobacco culture were not so contemptible as represented, a proof of which was to be discovered in the great plenty in which the colonists lived; that the limitation of planting to a certain day would operate to the disadvantage of the people of Maryland, as that province was three degrees further to the north than Virginia, which led to a difference of three weeks in the seasons; that violation of the restriction could only be disclosed to the proper officers by one neighbor informing against the other, thus causing dangerous antagonisms.[2]

Baltimore's reply was read to the Privy Council in August, 1664, and on the 16th of the following August, the arguments in support of the side of the Virginians were delivered by the agents of the Colony. After consideration of the questions involved and a consultation with the farmers of the revenue, the Privy Council decided that a cessation, stint, or limitation of planting in Maryland and Virginia would be injurious to the interests of the people there, and destructive to the customs of the King. In order to encourage the production of hemp, pitch, and tar in the two Colonies, as a means of affording to those planters who found tobacco unprofitable, products that could be sold to advantage, the Council, with the

[1] Archives of Maryland, *Proceedings of Council, 1636–1667*, p. 504.
[2] *Ibid.*, pp. 508, 509.

concurrence of the King, declared that for a period of five years these commodities should be admitted into England without being subject to the ordinary duties.[1] To extend such a privilege as this, at a time when tobacco had fallen so low in price that it would hardly bear the charge of freight alone, would appear to show the grossest indifference to the welfare of the colonists but for the fact that the English were still importing hemp, tar, and pitch, together with other naval stores, from Denmark, Sweden, Norway, and Russia. As the English carried little merchandise into these kingdoms, they were forced to purchase such indispensable materials principally with coin, thus establishing a balance of trade against their own country, a condition which in that age was considered to be fruitful of many evils, including the impoverishment of the people by the withdrawal of money and the certain interruption of necessary supplies in the event of a war. The suggestion that the Virginians should furnish pitch, tar, and hemp in place of the inhabitants of Northern Europe, a suggestion made, as we have seen, when the colonization of American territory by the English first began, was only extraordinary in the light of the inability of the landowners to obtain these materials from their forests at a cost that would leave some room for profit.

In 1666, the quantity of tobacco remaining in the hands of the planters was so large, being that portion of the crop of 1665 which was undisposed of and a mere drug in the market, that the General Assembly decided to send messengers to Maryland to induce the authorities there to unite with the authorities of Virginia to enforce a cessation in planting, in spite of the order of the King in 1664.[2]

[1] Archives of Maryland, *Proceedings of Council, 1636–1667*, p. 511.
[2] *Ibid.*, *1667–1688*, p. 18.

To this they assented, and both Colonies resolved to prohibit the cultivation of tobacco in their boundaries from February, 1666, to February, 1667.[1] The authorities of Carolina agreed to follow the example of those of Virginia and Maryland.[2] Their delay in doing so, however, was considered by Maryland to be a justification for withdrawing from the agreement with Virginia, but in October the arrangement was adopted by the three Colonies.[3] It came to nothing because disapproved by Baltimore.[4] In 1667, the year in which the cessation ought to have taken place, tobacco only brought half a penny a pound, and as the average crop of the individual did not exceed twelve hundred pounds, it will be seen that the condition of most of the planters was deplorable. Ludwell, writing to the authorities in England, declared that there were but three influences restraining the smaller landowners of Virginia from rising in rebellion, namely, faith in the mercy of God, loyalty to the King, and affection for the Governor.[5]

The crop of 1666 was so enormous that it required one hundred vessels to remove only a part of it to England. In 1667, when the production had been so much curtailed by the storm that made that year one of the most memorable in the history of the Colony, eighty ships were employed in the transportation of tobacco, but it was estimated at the time that at least fifty of these vessels carried out cargoes belonging to the crop of 1666. It would be inferred from this fact that Virginia was now

[1] Hening's *Statutes*, vol. II, pp. 225, 229–232, 250–252.

[2] *Records of North Carolina*, vol. I, p. 117.

[3] Archives of Maryland, *Proceedings of Council, 1667–1688*, pp. 6, 7, 18.

[4] *Ibid.*, p. 18.

[5] Thomas Ludwell to Lord Berkeley, June 24, 1667, *British State Papers, Colonial*, vol. XXI, No. 62; *Winder Papers*, vol. I, p. 223, Va. State Library.

producing as much of this commodity in two years as England could consume in three.[1]

If all the descriptions of the storm in 1667 which have come down to us are correct, it is remarkable that a single tobacco plant survived its fury.[2] Its violence as well as its length surpassed anything of the kind observed since the settlement of the country. First, there arose a tempest of hail, in which there fell to the earth many stones as large as a turkey egg. So prodigious was the force with which these stones were propelled, that they destroyed the fruit, beat down the grass, smashed the glass in the windows, perforated the tiles in the roof, and killed many of the cattle. As soon as the hail-storm passed away the rain began to fall, and for forty days it continued with more or less steadiness, spoiling the remnant of grain which had escaped the hailstones. On the 27th of August there arose a hurricane which, for twenty-four hours, blew with unexampled fury. It began at the northeast and gradually moved around the north, until it roared directly from the west. It then veered to the southeast and there spent its force. This terrific wind was accompanied by a heavy rain, but there were no thunder and lightning. The great floods in the upper sections of the rivers were distinctly perceptible in the lower in spite of their width, and, to make the rise more destructive, the hurricane, in the beginning and at the end of its career, rolled the waters in the Bay and the mouths of the rivers back into the creeks, causing them to swell to such an unprecedented height that the families

[1] Thomas Ludwell to English Secretary of State, July 20, 1668, *British State Papers, Colonial*, vol. 23; *Winder Papers*, vol. I, p. 249, Va. State Library.

[2] Thomas Ludwell to Lord Berkeley, Nov. 8, 1667, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1667*, p. 129, Va. State Library.

of many planters who did not reside in sight of a stream were compelled to seek refuge upon the tops of their houses in order to escape destruction. Large vessels were swept over bars of sand where, at ordinary tide, a small boat would run aground, and at places where vessels could float at ease at the usual flood, the water was too shallow to keep them off the bottom. A vast quantity of Indian corn, not drowned in the rain which had been falling for forty-five days, was laid flat, the tobacco in the exposed places was torn to shreds, while that which had been cut and stored away was destroyed with the barns in which it had been deposited. The fences were either blown down or crushed out of shape by the falling trees, leaving the cattle at liberty to enter and devour the crops as they lay scattered over the fields. It was estimated that ten thousand houses were ruined by the hurricane, this number including, doubtless, barns and stables as well as the cabins of slaves and servants and the residences of planters. It was impossible for all of the crops to have been swept away, since much corn and tobacco were planted in spots more or less sheltered from winds by a heavy growth of forest. According to one calculation made at the time, the amount saved was about one-third only of the expected product ;[1] according to another, only one-fifth.

Throughout the period between 1660 and 1670, an extraordinary degree of attention was paid to a number of commodities besides tobacco, an indication that the value of the latter staple was in a state of great depression. In the session of 1661–62, the former law, which had been expressly repealed as inconvenient and troublesome, requiring that every owner of land in fee simple should

[1] So reported in England in 1668 by the master of a New England ship, which arrived there from Virginia in the course of that year. *Documents Relating to the Colonial History of New York*, vol. II, p. 523.

plant ten mulberry trees for every one hundred acres in his possession, was reënacted, and, in order to make it more stringent in its operation, the Grand Jury were called upon to report with the utmost strictness all infringements of it, both in the failure to plant and in the failure to protect by a proper fence when a plantation had been made. As a means of promoting the culture of silk, the extraordinary reward was offered of fifty pounds of tobacco for every pound of that commodity produced, the tobacco to be raised in the public levy and to be paid in the county where the silk-maker happened to reside.[1] These provisions were adopted to some extent under the influence of instructions from the Privy Council.[2] The limit allowed for planting, under the Act of 1661–62, was December 30th, 1663, but it was found so difficult to obtain the required number of mulberry trees in this interval, that the Assembly extended the period to December 30th, 1666.[3] The effect of all these regulations must have been favorable, for we find that Secretary Ludwell, in writing to Secretary Bennett in the year 1665, refers to the fact that the industry was making satisfactory progress in Virginia. Governor Berkeley was still more sanguine in the expression of his views. He assured the authorities in England that so many mulberry trees had been planted in the Colony that in four or five years, at the furthest, its inhabitants would be in a position to furnish as much silk as could be expected of a community of forty thousand people.[4] He spoke in a despondent

[1] Hening's *Statutes*, vol. II, p. 121.

[2] Minutes of the Council for Foreign Plantations, *British State Papers, Colonial*, vol. XIV, No. 59, pp. 18–21; *Sainsbury Abstracts for* 1661, p. 7, Va. State Library.

[3] Hening's *Statutes*, vol. II, p. 191.

[4] Governor Berkeley to the King, Aug. 1, 1665, *British State Papers, Colonial*, vol. XIX, No. 86; *Winder Papers*, vol. I, p. 187, Va. State Library.

strain of the prospects of flax culture. There was no disinclination on the part of the planters to pursue it, but a lack of laborers who were skilled in it. Many persons, who would have turned their attention to the production of this commodity, were deterred from doing so by their pecuniary inability to undergo the losses which were certain to accompany an unsuccessful experiment. Governor Berkeley acknowledged that he himself had incurred an expense of one thousand pounds in flax culture, but had accomplished nothing on account of the wilfulness of the Frenchmen whom he had employed to attend to it, and he requested the Council in England to consider the advisability of transporting a number of experts to the Colony in order to impart to its inhabitants information as to the proper method of developing this industry. In the following year he wrote to Secretary Bennett, who had been created Lord Arlington, that he had a present of three hundred pounds of silk for the King, but was prevented from forwarding it by his apprehension lest it should be captured by the hostile ships cruising off the Capes in expectation of outward bound merchantmen.[1]

In the autumn, silk husbandry had reached such a stage of development, and so many persons had demonstrated its profitableness, that the Assembly, with a view to reserving for the public funds the tobacco which was in the course of distribution in the form of premiums, recalled the substantial inducements extended to those who would engage in it, and repealed the law making the planting of mulberry trees compulsory.[2] This step was

[1] Governor Berkeley was the spokesman of the General Assembly. *British State Papers, Colonial Papers; Sainsbury Abstracts for 1666*, p. 136, Va. State Library.

[2] The *Journal of the Assembly for October, 1666*, contains the following entry:

"This is to certify those it may concern that upon request of

taken under the impression that silk culture no longer needed the support of the Government, and that its propagation offered now a remunerative prospect. In 1668, Berkeley succeeded in sending to the King his proposed gift of three hundred pounds of this commodity, but he accompanied it with a special request that men skilled in the industry should be transported to Virginia, to reside there permanently for the purpose of instructing the natives in it, for this would divert their attention from tobacco.[1] This was a different tone on his part from what the recent action of the Assembly would have led one to expect. Nor was it the last appeal from the Governor, who was in a position to comprehend fully the progress which the Colony was making in the production of silk; at a somewhat later date he wrote, that its culture in Virginia was retarded by the fact that men who could hardly procure for themselves the coarsest clothes by the hardest labor in tending a crop which they understood and were accustomed to, were not disposed to adventure

"Major Thomas Walker of Gloster County: there caused to be counted "these white mulberry trees under mentioned, viz.: planted by him or his "order, which are now growing and tender:

"Planted in 1664	13,642
" " 1665	56,755
	70,397

"This above account, I found to be agreeable and just.
"Witness my hand 17 May 1666 in Virginia.
"P. M. PETER KNIGHT.

"In Major Walker's petition for encouragement for planting 50,000 "mulberry trees out of the fines of delinquents according to order of "Assembly, it is answered the time of forfeiture of fines not being yet "expired, the House is of opinion that no cognizance yet can or ought to "be taken of the petition." *Robinson Transcripts*, pp. 254, 255.

[1] *British State Papers, Colonial*, July 22, 1668; *Sainsbury Abstracts for 1668*, p. 136, Va. State Library.

upon designs which, however hopeful in their character, required a special knowledge that they did not possess. In a subsequent letter, after mentioning that sixty or seventy pounds of silk were made in his own house, he asserts that the Colony would show an annual exportation of five hundred bales if experts from Sicily, Naples, or Marseilles were sent out by the English consuls residing in those places.[1] In answering the inquiries of the English Commissioners, he boldly complained that the inability to establish the silk industry in Virginia on a sound footing was due to the operation of the Navigation Act, which shut the people off from a direct trade with countries interested in the production of this commodity.[2] No fault could be found with him upon the failure of silk husbandry in the Colony, for not only did he seek to promote its growth by every form of official encouragement, but he even went so far as to express an intention of going in person to France and procuring the special experts who were needed.[3] Only two years after the premiums on silk were withdrawn on the ground that its culture did not now require to be fostered, the Assembly found that the interest in the industry was declining so rapidly in the absence of the specific inducements which had been recalled, that it was compelled to revive the large premium of fifty pounds of tobacco for every pound of silk produced.

In 1677, the year succeeding the uprising under the leadership of Bacon, Virginia was paying into the English

[1] Governor Berkeley to Committee for Trade and Plantations, June 20, 1671, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1671*, p. 174, Va. State Library.

[2] Hening's *Statutes*, vol. II, pp. 515, 516.

[3] Governor Berkeley to the King, July 22, 1668, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1668*, p. 137, Va. State Library.

treasury one hundred thousand pounds sterling,[1] but notwithstanding this fact, which shows great agricultural productiveness, the condition of its people was one of desperation. In vain they petitioned for the revocation of the Navigation laws, in vain sought permission to export a part of their tobacco to Madeira and the Canaries, which enjoyed a special privilege in the enforcement of the Act of 1660 in not being required to import into England first their wines designed for shipment to America. Now began a period of several years in which the population of Virginia sank into a state of poverty unprecedented in their history, although the crop in the ground was unusually large. The number of plants in 1680 was the greatest in the annals of the Colony. There was already a vast quantity of tobacco in the country, the surplus product of the preceding season; it was estimated in 1680 that this quantity, with the amount to be gathered in the course of that year, would supply the markets of England for over two years even if not a single plant were set out in 1681.[2] Unless there was a cessation in the latter year, the labor of the Virginians would not only be in vain, but they would be brought still more deeply in debt. Recognizing the deplorable condition of the people, which the future promised only to aggravate, the Council wrote to the English Government, and after dwelling upon the ruinous prices of tobacco, described the extreme poverty of the Colony, and implored that measures should be adopted at once which would raise the value of its only commodity.[3] This urgent petition was

[1] Petition of Sir William Berkeley to the King, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1677*, p. 132, Va. State Library.

[2] Secretary Spencer to Secretary Coventry, *British State Papers, Entries of Papers Concerning Virginia*, vol. II, No. 80; *McDonald Papers*, vol. V, p. 358, Va. State Library.

[3] Council of Virginia to Committee for Trade and Plantations, *British*

followed by a direct address to his Majesty on the part of the Assembly, called together by Lord Culpeper, praying for a cessation of planting in 1681 as the only means of affording relief. Secretary Spencer, who was familiar with every feature of the situation, in a letter to Lord Coventry, declared that it was no longer possible under the conditions then prevailing for the people to support themselves by tobacco, and that the crop of one year would not return an amount sufficient for the purchase of even the clothes which they needed. So intense was the desire for relief that it was admitted in this letter that the system of isolated estates had grown unpopular, and that there was now a universal wish that towns should be established in all of the counties where imported goods might be landed, and that other industries besides planting should spring up, and thus furnish the colonists with a new means of earning the subsistence which they had formerly secured from the cultivation of their only staple.[1]

The pathetic appeal of the authorities of the Colony for a cessation was refused by the Commissioners of Customs in London, on the ground that if approved, the area of the plantations in the Spanish, Dutch, and French possessions would be sufficiently enlarged to supply the people of the continent of Europe with tobacco, and the trade of Virginia would be proportionately diminished. The speciousness of this argument was disclosed in the improbability that a change in the tastes of the inhabitants of these countries would have been caused by so brief a period of non-production, but also in the fact that

State Papers, Colonial Entry Book, No. 80, p. 410; *Sainsbury Abstracts for 1680*, p. 46, Va. State Library.

[1] Nicholas Spencer to Secretary Coventry, *British State Papers, Colonial Entry Book*, No. 80, pp. 381–385; *Sainsbury Abstracts for 1680*, p. 74, Va. State Library.

under the operation of the Navigation laws, the planters of the Colony were to a large extent shut out, even indirectly, of all the transatlantic markets except those of England. If any persons would be damaged in consequence of cessation, they would be the wholesale and retail dealers in tobacco in the English cities. The second Navigation Act was only too well adapted to promote the extension of the culture of the plant in the foreign possessions of the Continental nations; the trade in this commodity with these nations remaining to the Colony by way of England, after that Act had been on the statute-book for nearly a generation, was not likely to be destroyed by a stoppage of planting for one year. The real motive of the Commissioners of the Customs, in refusing to comply with the request of the authorities, was revealed in their statement that the royal revenue from the Virginian leaf maintained an annual average in the course of every three years of one hundred thousand pounds sterling, and if a cessation were allowed, the whole of this large amount would, for a time at least, be lost, while the navigation of the kingdom would suffer very severely, as so many vessels were employed in transportation from Virginia.

A more selfish reply perhaps was never in history returned to a reasonable demand. The interests of the planters were to be subordinated as long as the royal revenue from tobacco was not seriously diminished. Such a diminution could only take place when there was a falling off in the volume of production, as the customs remained the same, however extreme the fluctuations in the value of the commodity upon which they were levied. The prosperity of the shipowners, it may be safely inferred, was considered to be of secondary importance as compared with the question of the King's income. In this emergency, Lord Culpeper and representatives of the

Muscovy Company were summoned before the officials charged with the affairs of the Colony, to discuss the best method of introducing tobacco into Russia. The result of their deliberations was, that it was recommended that an ambassador should be sent to the court of that empire with special instructions to secure the privileges desired.[1] The length of the journey and the delays in diplomacy would have prevented the Virginians from receiving relief with the required degree of promptness, even if the Muscovites had been very much addicted to the use of tobacco, and their ports had been as near at hand as those of England, and their custom duties merely nominal. The committee also decided to call the attention of the King to the propriety of sending to the Colony two or three hundred pounds' worth of flax and hemp seed for general distribution.[2] The situation there had now become so desperate in consequence of the low price of tobacco, that apprehension was felt even in London, lest the servants should, under the pressure of want, rise and plunder the stores of the planters and rifle the ships upon their arrival in port.[3] In the spring of 1682, the year in which Culpeper declared that the only hope of relief lay in the exportation of beef, pork, grain, and provisions to the West Indies,[4] the people of several counties peti-

[1] Report of the Committee for Trade and Plantations to the King, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1681*, p. 133, Va. State Library.

[2] Minutes of a Committee for Trade and Plantations, *British State Papers, Colonial Entry Book*, No. 106, pp. 320–322 ; *Sainsbury Abstracts for 1681*, p. 129, Va. State Library.

[3] Minutes of a Committee for Trade and Plantations, *British State Papers, Colonial Entry Book*, No. 106, pp. 297–298 ; *Sainsbury Abstracts for 1681*, p. 120, Va. State Library.

[4] Instructions to Culpeper, with an account of his compliance therewith, § 71, *British State Papers, Colonial*, vol. LXV ; *McDonald Papers*, vol. VI, p. 169, Va. State Library.

tioned the Governor to call together the Assembly for the purpose of forbidding planting for a time. The Assembly met, and after a stormy debate which led to nothing, adjourned.[1] A second Assembly was summoned, but before it convened a large number of the inhabitants of New Kent, Gloucester, and Middlesex determined to make away with the tobacco in the hill. Suddenly a tumult arose, and a cry went forth among the discontented population that not only their own plants but all plants whatever must be cut down.[2] The necessities of the people had driven them to desperation, and they had resolved upon a forcible cessation. The growing tobacco of one plantation was no sooner destroyed than the owner, having been deprived either with or without his consent of his crop, was seized with the same frenzy and ran with the crowd as it marched to destroy the crop of his neighbor.[3] The infection spread with great rapidity, and it was feared lest it should diffuse itself into all parts of the Colony. The tumult reached its height in Gloucester. In that county, two-thirds of the tobacco in the ground were cut down, and two hundred plantations were left in desolation. One-half of the plants in New Kent were ruined, and many estates in the

[1] *Randolph MSS.*, vol. III, p. 400. The following entry is found under date of Dec. 5, 1681, in *Records of Middlesex County,* original vol. 1680–1694, p. 51: "Petition of the people of this county about moving the governor to call an assembly. The people earnestly pressing and thronging into ye Courte house until it was full, and a greate many remaining at ye doors and windowes impatiently expecting ye Courte's answer." This was the Assembly which was expected to demand a cessation.

[2] Nicholas Spencer to Secretary Jenkins, *British State Papers, Colonial Entry Book*, No. 82, pp. 69–74; *Sainsbury Abstracts for 1682*, p. 167, Va. State Library.

[3] It is recorded that much of the damage was committed by the crowd after nightfall.

lower part of Middlesex and in York suffered very much. The rioters were careful to destroy the sweet-scented tobacco, as it only grew in this part of Virginia. The tumults were finally overawed by the militia. The two companies of regular soldiers which had been sent over to the Colony to suppress the Rebellion of 1676 had been billeted upon the people, but as they had not been promptly paid, they were in a mutinous condition, and were suspected of leaning very strongly towards the plant-cutters.[1] The militia cavalry of Gloucester and New Kent were for some time kept in motion to discourage the slightest disposition on the part of the population to rise again, to which they were inclined upon the smallest pretext.[2]

There were many forebodings as to what the planters whose tobacco had been ruined would do in their despair. In Gloucester and New Kent alone, the ordinary crop had been curtailed to the extent of four thousand hogsheads, and in the Colony at large, to the extent of ten thousand.[3] The country had fallen into such impoverishment at this time, that one of the leading citizens in a letter to the authorities in England declared that he could only describe its condition in the language of the prophet, "the whole body is sick and the whole heart is faint, from the sole of the foot even unto the head, there is no soundness in it."[4]

[1] Nicholas Spencer to Secretary Jenkins, *British State Papers, Colonial Entry Book*, No. 82, pp. 69–74; *Sainsbury Abstracts for 1682*, pp. 167–171, Va. State Library; Beverley's *History of Virginia*, p. 74.

[2] *Ibid.*, Aug. 12, 1682, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1682*, pp. 174, 200, Va. State Library.

[3] Nicholas Spencer to Lords of Trade and Plantations, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1682*, pp. 173, 175, Va. State Library; Archives of Maryland, *Proceedings of Council, 1667–1688*, p. 362.

[4] Charles Scarborough to Secretary Jenkins, *British State Papers,*

There now occurred one of those wonderful transformations which were so common in the history of Virginia in the seventeenth century, and which have repeated themselves at still later periods, the state of the community being one of poverty or wealth according to the prices of its only staple.

In 1682, tobacco was selling at the lowest rates, and had been selling at these rates for a number of years, with the result of reducing the people to extremities. In 1683, a prodigious crop was planted, and as the production of the previous year had been so much shortened, tobacco now commanded more remunerative returns: in consequence of this fact, the inhabitants of the Colony were, in 1684, contented and peaceful, the insurrectionary impulse having been entirely allayed. Lord Culpeper, writing to the English Government, declared that this disposition would be maintained as long as their only commodity continued at its present value, which he hoped would be for two years at least; and Secretary Spencer of the Council confirmed this opinion, remarking at the same time, that his unthrifty countrymen preferred to live miserably by tobacco rather than be put upon a new undertaking, however advantageous.[2] All thought of a cessation had been deferred.

There now arose a question which presents more than one aspect of curious interest. In the instructions given to the Governors of the Colony by the English authorities, there had for sixty years been invariably inserted a distinct command that they should use every means in their power to encourage the production of silk, wine,

Colonial Papers; Sainsbury Abstracts for 1682, p. 180, Va. State Library.

[2] Nicholas Spencer to Secretary Jenkins, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1683*, p. 3, Va. State Library.

hemp, flax, pitch, and pot ashes. Wyatt, Harvey, and Berkeley especially, as has been seen, had striven most energetically to conform to this command, and in doing so, they were conscious that they were commending themselves to the peculiar favor of their sovereign. All conditions had now changed. When Lord Howard of Effingham was on the point of setting out to Virginia in 1685, the King was consulted as to whether the customary clause in previous instructions should not be omitted in the instructions to the new Executive, and he decided affirmatively on grounds that appear rather singular in the light of the small impression made on the minds of the colonists in the past by the effort to promote the development or cultivation of what were known as the staple commodities. The usual direction that the Governor should foster the production of these commodities was ordered by the King to be left out because the Virginians might be influenced by its insertion to neglect tobacco, advancing in justification of their action the burdensome character of the additional duty which had been recently imposed upon it.[1] If an inference could be drawn from their previous history, it was that they would continue to plant tobacco as long as it afforded them a livelihood, and even after it failed to assure them the barest subsistence. To suppose that they would abandon its culture because of a purely conventional clause in a set of official instructions was to show great ignorance of the economic conditions prevailing in the Colony.

The omission of this clause marks a distinct era in the annals of Virginia, for it signified that thereafter the English Government was satisfied to rely exclusively

[1] Minutes of a Committee for Trade and Plantations, *British State Papers, Colonial Entry Book,* No. 108, p. 179; *Sainsbury Abstracts for 1685,* p. 194, Va. State Library.

upon the ability of the Colony to produce tobacco, as the revenue from it had already grown to be of extraordinary proportions. The crop of 1686 was an unusually large one[1] and must have been sold at remunerative prices, as it is stated that in 1687 the planters enjoyed great peace and plenty.[2] Nothing illustrates more clearly the strict supervision of the English authorities over the agricultural interests of Virginia than the apology which Lord Howard addressed to the English Government in defence of the Act of Assembly, passed at the session of this year, prohibiting all planting after June 30th. The object which the Act had in view was eminently wise, as its enforcement would have prevented the production of a large quantity of inferior leaf, there not being a sufficient length of time after this date before the arrival of frosts to allow it to mature very thoroughly, Without discussion, the Commissioners of the Customs, who looked only to the revenues of the King, irrespective of the welfare of the Colony, positively refused to recommend that the Act should be permitted to stand.

A curious scheme for the improvement of the quality of Virginian tobacco was brought to public attention at this time.[3] A person who had had an opportunity of studying the methods of curing the leaf in Brazil, which rendered it more valuable in Europe and on the coasts of Africa than the product of other countries, arrived in the Colony and tried an experiment with the Virginian staple which convinced him that, by the employment of the Brazilian methods, the sweet-scented variety particularly could be

[1] Nicholas Spencer to Secretary Sunderland, *British State Papers, Colonial Papers; Sainsbury Abstracts for 1686*, p. 13, Va. State Library.

[2] Nicholas Spencer to Lords of Trade and Plantations, *British State Papers, Colonial Entry Book*, No. 83, pp. 125–133; *Sainsbury Abstracts for 1686*, p. 31, Va. State Library.

[3] Palmer's *Calendar of Virginia State Papers*, vol. I, p. 25.

converted into a commodity as fine in its quality as that derived from Brazilian soil. This person, with a boldness which showed great confidence in his own knowledge, suggested that all the planters should place themselves under his instruction, or, if that should be considered impracticable, a large number of them should form a company for the purpose of curing their tobacco in the manner which he should recommend, this tobacco to be afterwards vended in Europe or on the coast of Guinea, where it was in great demand. The proposition was made to the Governor and Council, and the hope was expressed that they would report upon it favorably to the King, and that his Majesty would be pleased to grant the special patent desired for a period of fourteen years. The company was to purchase the leaf in large quantities, and also as many slaves as would be required to manipulate it. It is unnecessary to say that this scheme came to nothing. The indisposition of the planters to coöperate, as well as the absence of all facilities for carrying on the necessary work of a joint-stock association of the kind proposed, were sufficient to render the proposition impracticable, even if it were admitted that there was any substantial basis for its successful consummation in the quality of Virginian tobacco. The scheme itself was doubtless the hair-brain notion of some wandering adventurer with little to recommend him beyond a firm belief in his own abilities. What became of the stranger when his proposition failed to secure the approval which he was seeking is a question involved in obscurity, but it may be taken for granted that he did not remain long in the Colony where he had received so little encouragement.

Jones, writing in 1721, at a time when agriculture in Virginia was making a notable progress, declared [1] that it

[1] Hugh Jones' *Present State of Virginia*, p. 61.

was uncommon to find persons leasing lands, not only because there were unusual facilities for acquiring such property in fee simple, in consequence of which the great body of the planters owned the soil that they tilled, but also because men who possessed no estates preferred to earn their livelihood by serving as overseers, or by following other occupations rather than by becoming tenants. This statement was as correct in its application to the Colony throughout the whole of the seventeenth century as it was in the early part of the eighteenth. The reason for this was the same at both periods. Not only was there in the seventeenth century an abundance of land to be taken up in fee simple, but it was also so difficult and expensive to open new grounds that, when the forest had been once removed from the soil, it was the habit of the owner, as it was of all of his fellow-planters in the same situation, to cultivate it until it was incapable of producing a profitable crop. There were comparatively few persons who were willing to rent to tenants fertile land which had been cleared and was in fine condition; and there were probably still fewer who were ready to lease from the owners fields that had been overworked. The man who could afford to rent an area of ground in forest and remove the trees from its surface, would generally prefer to sue out a patent to a tract of his own and expend the same labor in putting it in a proper state for tillage. It is doubtful whether one crop of tobacco would remunerate the tenant for the expense of hewing down the woods covering the soil which he had leased. The owner of the average estate would hardly allow the free use of his new grounds for a period longer than a year, as they were so easily exhausted as to become in three years worthless for all products but wheat and maize, which were of subordinate importance in the eyes of the ordi-

nary planter. It is quite probable that in consideration of the destruction of a portion of the vast extent of forests covering the largest tracts, the proprietors were ready to rent them in part if only to comply with the law as to seating, but the inducement to persons to become tenants on such estates was very small, as has been pointed out. Occasionally, however, it was specially provided that the lessee should not have the right to clear new land.[1] In many cases, it is perhaps safe to say in a majority of cases, it will be found that the soil under cultivation by tenants was owned by persons who resided in England or elsewhere, and who, therefore, were unable to superintend the tillage of their own properties in the Colony.[2] In other instances, the land was held by planters who were in possession of large tracts widely separated, which made it difficult for them to give their personal supervision to all.[3]

After the dissolution of the Company in 1624, there was a large area of soil in the Colony which had belonged to that corporation, and this the Governor and Council were soon instructed by the Privy Council to plant and seat.[4]

[1] *Records of York County*, vol. 1691–1701, p. 118, Va. State Library.

[2] *Records of Elizabeth City*, vol. 1684–1699, p. 333, Va. State Library; *Records of General Court*, pp. 218, 243. See lease from Leonard Claiborne, then residing in Jamaica, to John Waugh of Stafford County, *Records of Rappahannock County*, vol. 1680–1688, p. 427, Va. State Library; also lease from Martin Becker of Plymouth, England, to John Penrose, *Records of York County*, vol. 1633–1694, p. 9, Va. State Library; also lease from John Sadler of England to Thomas Jackson of a tract, in Martin Brandon, *New England Historical and Genealogical Register* for October, 1892, p. 431. Reference may also be made to a lease from Mrs. Robert Vaulx, acting as the attorney of her absent husband, to Jarratt Hawthorne, *Records of York County*, vol. 1657–1662, p. 142, Va. State Library.

[3] *Records of Elizabeth City County*, vol. 1684–1699, p. 184, Va. State Library.

[4] See preamble of the patent recorded in *Virginia Land Patents*, vol. 1623–1643, p. 144.

About twenty-nine leases of tracts, ranging from fifty to one hundred and fifty acres, were granted, which were to continue for seven years in some cases and ten in others,[1] at a nominal rental of one pound of tobacco an acre. In 1632, the General Court passed an order allowing the tenant's interests in the lands of the Old Company which were then unexpired to be renewed for twenty-one years.[2] All new leases were to be acquired for the same length of time, and in both cases the rental for every fifty acres was to be two barrels or six bushels of grain.[3] In 1634, their number exceeded twenty.[4] After this they do not appear to have been so many. Terms of years in soil which had been assigned by the Company for the use of the Governor were granted as late as 1647.[5]

In examining the provisions of leases which owners of land in the Colony had made, whether they resided in England, or on the estates which they had rented out, or on plantations which were situated at some distance from these estates, we find that these provisions were not drawn according to any general rule, but were controlled by the wishes of the persons immediately concerned. The period covered by the ordinary term showed a very material variance. In some instances it extended to twenty-two years,[6] but continuation for so great a length of time was probably uncommon. In Elizabeth City County in 1695, an estate known as Fort Field was rented for sixteen years,[7] and in 1661, a plantation in Lancaster

[1] *Virginia Land Patents*, vol. 1623–1643, pp. 76, 90, 98.

[2] *Ibid.*, p. 135.

[3] *Ibid.*, pp. 132, 133, 135.

[4] *Ibid.* See year 1634.

[5] *Ibid.*, vol. 1643–1651, p. 103.

[6] *Records of York County*, vol. 1691–1701, p. 205, Va. State Library.

[7] *Records of Elizabeth City County*, vol. 1684–1699, p. 57, Va. State Library.

for ten.[1] In York, Mr. Peter Starkey leased landed property, which he owned, for eight years; in the same county, in 1640, a tract of fifty acres was rented for thirteen years.[2] Another tract, which was situated in Henrico, was leased at a later period for six.[3] Fitzhugh recommended that if the owner of an estate desired to rent it to a tenant who would bind himself to make improvements, seven years should be the length of the term.[4]

The provisions of the agreements with reference to what the tenants were expected to do are found to be as varied as the length of time which the leases were to cover. In most instances the rent was to be paid in tobacco; in some, in grain; in others, in part at least, in cider; in others still, in coin.[5] It is impossible to discover the average proportion between the amount of the rent and the size of the estates. In some cases the rent was regulated by the number of freemen residing on the plantation;[6] in others, it was fixed at twenty shillings to the one hundred acres, but this was in a division of the Colony which had not yet been fully settled.[7] Thomas Curle leased a tract in Elizabeth City County at the rate of two pounds of tobacco to the acre. A plantation of forty acres was in 1640 leased in York for two capons annually. In some instances the only consideration was the payment of quit-rents.[8]

[1] *Records of Lancaster County*, original vol. 1654–1702, p. 225.

[2] *Records of York County*, vol. 1675–1684, p. 46; vol. 1638–1648, p. 129, Va. State Library.

[3] *Records of Henrico County*, vol. 1682–1701, p. 127, Va. State Library.

[4] *Letters of William Fitzhugh*, January 30, 1686–1687.

[5] *Records of York County*, vol. 1664–1672, p. 525, Va. State Library. *Records of Elizabeth City County*, vol. 1684–1699, p. 144, Va. State Library.

[6] *Records of Henrico County*, vol. 1682–1701, p. 127, Va. State Library.

[7] *Letters of William Fitzhugh*, May 20, 1686.

[8] *Records of York County*, vol. 1638–1648, p. 129; vol. 1657–1662, p. 126, Va. State Library.

In an agreement between Mr. Reeves, a citizen of Henrico, and a fellow-countyman named Bridgewater, it was covenanted [1] that during the occupation of the land of the former by the latter, the houses, orchards, and other properties were to be kept in good condition, and that upon the failure to comply with these requirements, the lessor should have the power to oust the tenant. Reeves at a later date entered into a contract with William Arrington,[2] which gave Arrington the right to cultivate tobacco in any part of Reeves' plantation except in that part which the owner himself had in tillage; he was also to be permitted to keep six head of cows and calves, two horses or two breeding mares, and to appropriate both fodder and grain for their maintenance. He bound himself further to lease an additional tract containing one hundred acres, for which he was to pay annually one ear of corn, and his tenure was to continue for his life, and after his death, his holding was to be transferred to his wife if she happened to survive. On this land he was to be allowed to erect a house, and to plant an orchard of one hundred apple trees. Reeves agreed to furnish Arrington, when he entered under the lease, with eight barrels of maize and three hundred pounds of meat; and he was also to have the use of a dwelling-house, which was at that time standing. All the crops produced by Arrington during the first year of his tenancy were to belong exclusively to himself; in return for this, he was to help Reeves for a period of thirty days in the cultivation of his maize, and to supply his household with wood and water, servants of Reeves to aid in transporting these articles. Arrington further bound himself to assist in ploughing in several bushels of wheat, and also to maul six hundred rails. Reeves, on

[1] *Records of Henrico County*. original vol. 1682–1701, p. 322.

[2] *Ibid.*, vol. 1683–1697, p. 578, Va. State Library.

the other hand, agreed to furnish Arrington and his family during the first year with food, and also with workmen, whether free or bond; he was also to supply all the wheat and corn that would be required, and this arrangement was to be renewed as often as Arrington desired it. If, on the other hand, Arrington decided at the end of the year to settle on the hundred acres of land which were to be granted to him at a nominal rent, these privileges were to cease, and he could only claim a certain proportion of the fodder and nubbins which he had aided in producing.

In 1691, Thomas Cocke, of Henrico, rented to Thomas East of the same county a tract of land in consideration that he would seat and fence it, there being already a house standing on it. East also bound himself to pay one ear of Indian corn annually until the term of the contract came to an end, at which time he was to have the option of becoming the purchaser.[1]

In 1661, William Wraughton of Currotoman, in Lancaster County, leased for a period of ten years an extensive tract of land to two tenants, who agreed to erect a fence around the apple orchard growing on the estate and to keep the dwelling-house in good repair. They were also to deliver to Wraughton, at the beginning of the first year of the contract, a man-servant who had recently entered into indentures, and a maid-servant who had been provided with apparel; at the beginning of the second year a second man-servant was to be delivered, and at the beginning of the third, two men-servants fully supplied with clothing. At the beginning of the fourth year, the tenants were to pay four thousand pounds of tobacco, and an addi-

[1] *Records of Henrico County*, vol. 1688-1697, p. 245, Va. State Library. See advertisement of Cocke that he had land to rent or sell, *Ibid.*, p. 487, Va. State Library.

tional four thousand at the beginning of the fifth, the whole to be produced on the plantation leased.[1]

In 1693, John Tucker, of Norfolk County, leased for a period of eight years a plantation in that county to Thomas Watkins, who agreed by way of consideration to pay the quit-rents and a nominal sum of tobacco each year. In further return for the use of the land, he bound himself to plant an orchard of apple, peach, cherry, and pear trees, to be protected from depredations by the erection of a fence. He was to be permitted to use the timber in repairing houses and constructing casks.[2]

In a lease of five hundred acres in York County, near the end of the century, the tenant was required to plant an orchard of apple trees, to build a house thirty feet in length and eighteen in width, with a chimney on the outside and one on the inside, and with the chambers ceiled. A tobacco barn, thirty feet long and twenty wide, was also to be erected.[3]

Colonel William Fitzhugh owned twenty-one thousand nine hundred and ninety-six acres in a single tract in the Northern Neck. Being anxious to lease this body of land to a colony of Huguenots, whom one of his friends had proposed to transport to Virginia, he offered to enter into an agreement which would assure them possession for a period of three lives, with the right to renew the leases for three additional lives, or for one life as they might prefer. Fitzhugh declared his readiness to furnish the whole number of settlers during the course of the first year with meat and corn at reasonable prices, and also the other supplies which would be thought necessary, and bound

[1] *Records of Lancaster County*, original vol. 1654–1702, p. 225.

[2] *Records of Lower Norfolk County*, original vol. 1686–1695, f. p. 204.

[3] *Records of York County*, vol. 1691–1701, p. 205, Va. State Library.

himself to secure naturalization for each one at the rate of three pounds sterling the head.[1]

In the instances in which contentions arose as to the damage committed by a tenant, the points at issue were referred to a jury of the neighborhood. Such an altercation took place, in 1673, between Thomas Lenior and William Thompson. The jury appointed to inquire into the differences between them was directed to visit the plantation, which was at the time in the possession of Thompson under the terms of a lease, and after a careful examination of the premises, report upon the condition of the buildings when the estate was rented, and whether they had been blown down by a great storm recently occurring, or had fallen in consequence of the carelessness of Thompson. The conduct of the tenant in other respects was also to be strictly investigated.[2]

Although throughout the seventeenth century the principal ways of communication from plantation to plantation and from one part of the Colony to another were the streams upon which the settlements stood, it became necessary at an early period to provide public roads to some extent. In 1632, the year in which the first general regulation looking to a system of highways seems to have been adopted, the authority was conferred by the General Assembly upon the Governor and Council, the Commissioners of the County Courts, and the inhabitants of each parish, acting separately, to establish such roads as the public convenience demanded.[3] It was thought that those were most imperatively needed which should lead from one county to another, or to the different churches in each county. It was not until 1662 that a very strict law was passed with

[1] *Letters of William Fitzhugh*, May 20, 1686.
[2] *Records of the General Court*, p. 164.
[3] Hening's *Statutes*, vol. I, p. 199.

a view to keeping the highways in a permanently good condition. Previously there had been much complaint that when the course of a road was altered by the large trees blown across it, the land of the adjacent plantations had been encroached upon and the fences ruthlessly broken down. Under an Act of Assembly passed in this year,[1] surveyors were appointed whose duty it was to establish a system of highways in their districts wherever lacking; first, a convenient road to the church was to be made, and this was to be followed by the construction of roads to the court-house, to Jamestown, and finally from county to county. These highways were required to be forty feet in width. The surveyors had the assistance of laborers, who upon an appointed day were sent to them by the owners of the adjacent estates, the planters being compelled, upon the call of their vestries, to furnish as many persons for this public service as they had tithables in their families. Each surveyor was assigned certain limits and his proportion of tithables. If he showed indifference to the performance of his duty, the County Court, upon complaint being offered, instructed the clerk to communicate the fact to the church wardens of the parish through the minister, and to command them to enforce the provisions of the law.[2] There were instances in which a private citizen was granted a certain amount of tobacco

[1] Hening's *Statutes*, vol. II, p. 103.

[2] *Records of York County*, vol. 1675–1684, p. 89, Va. State Library. There were frequent presentments by grand juries of delinquent surveyors. See *Records of Lower Norfolk County*, original vol. 1675–1686, f. p. 40; *Records of Middlesex County*, original vol. 1679–1694, p. 672. In some cases the highways were only thirty feet wide. See *Records of Middlesex County*, original vol. 1680–1694, orders March 3, 1683–1684. The instructions of court sometimes merely required that the road should be cleared to the breadth of a cartway. *Records of Northampton County*, original vol. 1657–1664, p. 85.

in consideration of keeping a public highway in order; in 1670, an annual allowance was made to Mr. Thomas Hunt of one thousand pounds under an arrangement binding him to maintain a good roadbed for horse, foot, and cart over the milldam at Portan.[1]

As late as 1667, there appears to have been no regular system of gates on a very considerable number of estates.[2] So obstructive of the public business did this become, that it was found necessary to compel the owner of every plantation to provide a gate in his fence which would enable a man and horse to reach the house of the proprietor without delay, but it is highly probable that the demand for this improvement existed chiefly on tracts of land to which patents had been recently obtained. The bridle path which the law had special application to was characteristic both of the settled and the outlying regions, but even here some means of making a comparatively easy passage through a line of fence was necessary, and doubtless the draw-bar was a common substitute for the ordinary gate.[3] Hinges and nails were procurable, but only at considerable expense, an expense which the owners of even the estates that had been under cultivation the longest were disposed to avoid. The draw-bar is one of the familiar features of the Virginian plantation to-day, when nails and hinges can be bought so cheaply, and two hundred and twenty-five years ago it must have been in almost universal use, as the reasons for its employment were much more urgent.

The bridges that spanned the streams intersecting the

[1] *Records of General Court*, p. 16.

[2] Hening's *Statutes*, vol. II, p. 261.

[3] *Records of Henrico County*, vol., 1688–1697, pp. 239, 240, Va. State Library. See also *Records of York County*, vol. 1657–1662, p. 194, Va. State Library.

public highways were built at the cost of the counties in which they were situated, and were maintained by means of the county levies, the justices of the peace prescribing the amount of tobacco needed to keep them in repair.[1] In some instances these structures seem to have been erected at the expense of private individuals. In 1648, Oliver Segar was presented by the minister and church wardens of the new Pocosan parish, on the ground that in fishing on the Sabbath he had disregarded the sacred character of the day, and to expiate this offence against good morals they required him to build a bridge over a swamp lying between the plantations of Lieutenant William Would and Captain Christopher Calthorpe, and crossed by a public road. When the structure to be erected was situated partly in one county and partly in another, an order was obtained from the Governor and Council, by the authority of which the court of each county appointed commissioners, who were to assemble at a designated place and confer about the work to be executed.[2]

There is evidence that public ferries were established in Virginia as early as 1640. A petition was offered in that year by Henry Hawley, in which he prayed for the right to keep a ferry at the mouth of Southampton River, and the request was granted; he received the concession for life under a patent stamped with the seal of the Colony, on condition that he should impose only a penny for the transportation of each passenger.[3] Free ferries were formally established in 1641–43 by an Act of Assembly, which required a levy to be made by each county for the remuneration of every ferryman engaged in the public service in its boundaries. Where a ferry united two

[1] Hartwell, Chilton, and Blair's *Present State of Virginia, 1697*, p. 53.
[2] *Records of Henrico County*, vol. 1677–1699, p. 158, Va. State Library.
[3] General Court Entries, *Robinson Transcripts*, p. 14.

counties, it was to be maintained by the equal contribution of both. No fee was to be asked of any passenger in crossing, and the man in charge was expected to perform his duties from the rising to the setting of the sun.[1] A few years later, as the expense of maintaining ferries fell very heavily upon the planters of small means, the power was conferred upon the County Courts to establish them only where absolutely essential to the convenience of the people, and the commissioners were authorized to prescribe such rates and to lay down such conditions as to time of service and to appoint such persons as the interests of the population at large dictated. As the counties were not to be called upon to support these ferries by the public levy, it is to be inferred that each passenger was to be required to pay his own charge.[2] In some instances the ferryman was instructed to be at his post only at stated hours of the day, as ten o'clock in the morning and two in the afternoon, and if he failed to attend at these times, without a sound excuse, he was liable to be heavily fined for his negligence.[3] In some cases it was also his duty to take people on board ships.[4]

In 1673, it was determined by the General Assembly to establish free ferries again, and commissioners were appointed to designate the most convenient places in the different counties.[5] Two thousand pounds of tobacco appear to have been the amount of the wages paid in Henrico for a service of twelve months, the term generally extending over a period of seven years.[6] In case of gross neglect, the ferryman forfeited whatever was due

[1] Hening's *Statutes*, vol. I, p. 269.
[2] *Ibid.*, p. 348.
[3] *Records of York County*, vol. 1664–1672, p. 431, Va. State Library.
[4] *Ibid.*, vol. 1657–1662, p. 204, Va. State Library.
[5] Hening's *Statutes*, vol. II, p. 310.
[6] *Records of Henrico County*, original vol. 1697–1704, p. 257.

him for that year.[1] In 1696, there were but two ferries in Henrico. The one at Varina was in operation only on Sundays and on the days on which the justices convened: the wages of the persons who in turn were in charge were eight hundred pounds of tobacco. The second ferry was situated at Bermuda Hundred. Keepers of ferries were now allowed to ask a fee for the transportation of both horse and passenger. For rider and horse this fee was twelve pence, and for a foot passenger, six.[2] At Jamestown, the rate for man and horse was three shillings and six pence, and for a foot passenger one shilling. In Lancaster County at this time the fee for foot passengers was two shillings and six pence.[3] The remuneration granted to keepers of ferries in this county was, in 1687, twelve hundred pounds of tobacco.[4]

[1] *Records of Henrico County*, original vol. 1697–1704, p. 151.
[2] Palmer's *Calendar of Virginia State Papers*, vol. I, p. 52.
[3] *Ibid.*, pp. 50, 51.
[4] *Records of Lancaster County*, original vol. 1686–1696, f. p. 28.

CHAPTER VII

AGRICULTURAL DEVELOPMENT, 1685–1700

EIGHTY years had now passed since the day on which the colonists for the first time had sowed wheat in the soil of Virginia, this being the earliest seed that was planted after possession was taken of Jamestown Island. What changes had agriculture in this interval produced upon the face of the country? If the descriptions of contemporaneous observers are deserving of credence, the Colony, even where its population was densest, bore the aspect of a wilderness, owing to the enormous disproportion between the area in cultivation and the area still in a state of nature. The high lands were concealed by a heavy growth of trees, and the low grounds consisted largely of forest and marsh.[1] I have already referred to the motives impelling the planters to engross as extensive tracts as they could secure; these motives were the absolute need of a virgin soil in the production of tobacco in perfection in that age when artificial manures were unknown, and the need equally as great of a wide surface for the support of cattle which had to obtain their own subsistence at every season in the year. It was asserted at this time that although the population of Virginia did not exceed the number of inhabitants in the single parish of Stepney, a part of the city of London, nevertheless they had acquired ownership in plantations that

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 6.

spread over the same area of country as England itself.[1] The proportion of open fields on these plantations was barely one-fifth of the whole. When the soil would no longer bring forth maize and wheat, which were cultivated after the third crop of tobacco, it was permitted to grow up again in underwood. As a result of this custom, a great extent of land which had been cleared at one time was covered with much thicker woods than the land remaining in primæval forest.[2] In England, vast tracts were held by individual proprietors, but owing to the habit of leasing, which threw the tillage of an extensive surface into numerous hands, only a small part of the country was suffered to relapse into its original condition.

Not even England, however, had in the seventeenth century carried the cultivation of the soil to a moderate degree of perfection; the agriculture of the mother country throughout this century being very little advanced upon that of the fourteenth. This resulted in part from the narrow policy prevailing in that age, of requiring the tenant farmer to pay additional rent whenever he increased the value of the land which he leased by making improvements at his own expense. The first steps towards those modes of tillage which have in the nineteenth century converted England into one of the garden spots of the world, was taken in 1645, in which year the system in operation in Holland was introduced. Its adoption, however, was local, partial, and not persistent. According to the plan generally pursued in the mother country at this time, the land was sown for two years in wheat, and in the third year it was allowed to lie fallow. The application

[1] Minutes of a Committee for Trade and Plantations, *British State Papers, Colonial Entry Book*, No. 105, p. 130; *Sainsbury Abstracts for 1677*, p. 61, Va. State Library.

[2] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 7.

of the four-course rule now began to be observed here and there. Hemp was cultivated to some extent, and artificial grasses were sown. The practice of these judicious principles was apparently confined to a few for a period of an hundred years.[1] Arthur Young in the eighteenth century admitted that the Dutch system, which was the groundwork of the most improved forms of agriculture in modern times, had not been generally adopted in the kingdom. It was not until 1649, that the means employed in the present age of restoring the fertility of exhausted soils was even to a slight degree put into practice in England. About this time there are some indications of the use of clover and lime with this object in view. In 1665, the seeds of clover were sown in some parts of England for the purpose both of furnishing food for cattle and of keeping up the productiveness of the land.[2]

It would be too much to expect that the small advance which had been made in the mother country should be reflected in the general system of tillage prevailing in Virginia, especially in its relation to the improvement of the condition of the soil under cultivation. Indeed, no steps of importance were taken in the Colony to restore the fertility of lands that had been overworked.[3] Recourse was occasionally had to the cow-pen as the means of manuring particular spots,[4] but this was necessarily limited in its application, being employed principally by tenants who were compelled to make the most of ground which had been used for a number of years. In the records of deeds in the county courts, as well as in

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, pp. 99, 100, 783; Macaulay's *History of England*, chap. III.

[2] *Improver Improved.*

[3] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 7; Glover in *Philo. Trans. Royal Soc.*, 1676–1678, vols. XI–XII, p. 628.

[4] Clayton's *Virginia*, p. 21, Force's *Historical Tracts*, vol. III.

the original patents, the references to old fields are very numerous ; these were lands which, after passing out of cultivation, had at first been given up as pastures to roaming cattle, but which in a few years relapsed into thickets, and finally into forests of a second growth. There was an abundance of natural manures which might have been scattered over the surface of these impoverished fields if their owners had considered it to be advisable. Rolfe had observed the presence of marl in the Powhatan valley, and drawn attention to its value as a means of increasing the fertility of ground under tillage.[1] Clayton, who visited the Colony in 1688, was very much impressed by the spectacle of the vast quantity of shells, which, with little trouble, could be converted into lime ; in some places, he came upon deposits extending for several miles, the soil being so much intermixed with oyster shells that it seemed to be composed more of shells than of earth. At the foot of many hills where the underground was exposed to view, he saw veins of shell rock three or four yards in thickness, and in many cases pieces of this rock which had fallen off were several tons in weight. As the soil was thin and sandy, Clayton was of the opinion that marl and not lime should be used in manuring it.[2]

It was not until nearly a century and a half had passed that the value of these natural manures was generally recognized. It is recorded that Governor Yeardley used marl on one occasion to increase the fertility of a small tract which he had under tillage ; but the example that he set was not followed on a notable scale until Edmund Ruffin, in his memorable treatise on calcareous manures, pointed out the important part which this material could

[1] *Works of Capt. John Smith*, pp. 345, 541.

[2] Clayton's *Virginia*, pp. 14, 24, Force's *Historical Tracts*, vol. III.

be made to play in restoring the exhausted lands of eastern Virginia. Ninety years after the foundation of Jamestown, there was no element of natural wealth as abundant in the Colony as a virgin soil; the axe and the laborer alone were needed to secure a new field, which was richer in productive qualities than the most highly improved spots in the English shires of Kent and Sussex. As long as this was the case, there could be no real demand for manures. In Virginia, in the last quarter of the seventeenth century, there were many planters of the highest intelligence familiar with all the methods that had been adopted in England and Holland for the improvement of agriculture. If they failed to introduce these methods into the Colony, it is evident that they considered it to be cheaper to obtain fertile lands by the removal of the forests than by the application of natural or artificial substances.

The extraordinary value placed upon new grounds in spite of the vast beds of marl to be found in all of the inhabited parts of the Colony, had been shown in a very striking manner in 1648, in an incident which was as characteristic of the last as of the middle part of the century. In that year, a very earnest petition was offered to the Governor and Council by a large number of planters, who sought permission to move from the south to the north side of Charles River, the name borne at that time by the modern York. The only reason advanced to justify the favorable consideration of this petition, was that their lands had become barren from cultivation, and they were anxious in consequence to secure tracts where the soil was still in its primæval state. They described their condition in their present situation to be one of great and clamorous necessity, their labors producing only mean tobacco, and their cattle falling into

decay because they were restricted in their range. These evils, it was asserted, were not confined to a few persons, but touched a considerable number of the inhabitants of the Colony.[1]

The ordinary manner of remunerating the overseers probably had an important influence in hastening the decline of the lands which had been recently cleared. The instance of Thomas Harwood, who in 1698 was employed in Elizabeth City by John George to superintend his laborers at a salary of six hundred pounds of tobacco, was undoubtedly rare.[2] As a rule, the reward was a certain portion of the crop. In some instances this was one-fourth, in others one-tenth. One-half was the proportion agreed upon by Charles Hansford and his overseer, Thomas Sharpe, in York. David Jenkins, a few years later, instituted suit against Archer, a citizen of the same county, on the ground that as overseer of Archer's estate he was entitled to an equal share in the grain and tobacco, his claim having been denied.[3] At a still later period, the remuneration of a man of this class was regulated by the number of persons, including himself, in the employment of the planter who had engaged his services, slaves as well as indented and hired servants forming the basis of the calculation.[4] The larger the volume of production on the plantation, the greater the amount he would secure ; and this was a powerful induce-

[1] Hening's *Statutes*, vol. I, pp. 353, 354.

[2] *Records of Elizabeth City County*, vol. 1684–1699, p. 182, Va. State Library.

[3] *Records of York County*, vol. 1690–1694, p. 1, Va. State Library. An instance in which the remuneration was one-tenth of the grain and tobacco, is given in the records of the same county, vol. 1684–1687, p. 7. The overseer of Abraham Moone, in Lancaster, was allowed one-fourth of the tobacco crop. Original volume, 1654–1702, p. 28.

[4] Hugh Jones' *Present State of Virginia*, p. 36.

ment to him not only to urge forward the laborers under his supervision, but also to extend the area of new grounds, because it was from the virgin soil that he was able to obtain the most abundant crops of tobacco. It was always to his interest that the fields which had been under cultivation for several years should be abandoned as soon as they gave the first indication of exhaustion. As his only object was to extract as much from the land as it would give forth in its natural condition, there was nothing to create in him the desire to preserve its original fertility, either by following careful methods of tillage or by application of such manures as were in his reach. In the seventeenth century this was not so great a source of damage to the material welfare of Virginia as in the eighteenth and in the first quarter of the nineteenth, for the same system of remunerating the overseer continued to prevail down to as late a period as 1825. There was such a vast extent of uncleared land even in the most ancient counties of the Colony in the seventeenth century, that the extermination of the forest was the most important economic act which the inhabitants were called upon to perform. The motives prompting the overseer to display extraordinary energy in removing the woods did not, therefore, result in very great harm, except in the communities which were thickly populated, and where agricultural conditions prevailed similar to those found in Virginia in the eighteenth and nineteenth centuries. The estates in these communities demanded a careful system of tillage, but the same reckless waste appeared in their management as in that of the frontier plantations; the soil which had been under cultivation was left unimproved, and reliance was placed on the woodland to furnish the new grounds considered to be indispensable.

No step of importance seems to have been taken in the

seventeenth century to redeem even in part the vast expanse of marsh to be found here and there on the margins of the principal streams. Indeed, previous to 1700, but little ground in the swamps of the various plantations had been reclaimed. This was the case not only when Glover and Clayton were sojourning in the Colony, but also as far into the following century as the first years of the Spotswood administration, an Act being passed by the General Assembly in 1712, making the draining of permanently wet land one of the conditions, compliance with which gave an absolute title to the whole tract in which the soil thus rendered arable was situated.[1] The desire of the local government that the marshes and swamps should as far as possible be put into a state of cultivation or general use is shown in the provision adopted in 1672, allowing the owner of land recently acquired in the immediate neighborhood of such areas, the privilege of suing out a patent to them at any time in the course of the first six months immediately succeeding the date on which a notice by others of an intention to obtain a title to these areas had been given.[2] How little advantage was taken of this provision is revealed in the declaration of Berkeley, that it was doubtful if there were one hundred acres in the Colony which had been rescued from the tide or from standing pools. In 1671, a grant of four hundred acres was made to John Conyers in a locality bearing the name of Reedy Swamp and lying in Warwick County, a tract which had before been held by Major Charles Davis, but which was soon deserted by him as worthless. Conyers probably wished to use the ground covered by his patent as a range for his cattle.[3] This seems to have been

[1] *Letters of Governor Spotswood*, vol. II, p. 47.
[2] Hening's *Statutes*, vol. II, p. 300.
[3] *Records of the General Court*, p. 87.

the only purpose to which the marshes and swamps were devoted. In March, 1673, the marsh land situated in the boundaries of James City Island, remaining without an owner, was determined to be the property of all the inhabitants of the corporation, the object of this provision being to furnish a common for the live stock of the whole population.[1] As a rule, the marshy and swampy soil occupied such a low position that it would have been difficult to draw off the water without expensive ditches, or to have prevented an immediate inundation by the tides and floods without still more expensive dikes; nevertheless, there must have been a considerable area of ground which could have been protected from overflow without imposing a serious burden on the resources of the planters.

This opinion was entertained by Mr. Clayton, a very intelligent observer, who, during his sojourn in Virginia, was much impressed with the folly of the proprietors, who instead of turning to their advantage in the culture of tobacco the bogs and marshes in their possession, which could have been easily drained, preferred to go to a great outlay of time and labor in order to destroy the heavy growth of forest covering the surface of the earth on a higher level.[2] While a resident of the Colony, he visited for a short time a lady owning a plantation which had been cultivated almost to the point of exhaustion. On this estate there was a large area in swamp that had only to be ditched to be converted into a rich arable soil. No sooner had the eye of Mr. Clayton detected the presence of this unreclaimed land, than he took occasion to call the attention of the overseer to it, with the advice that he should drain it and use it in the cultivation of tobacco. The reply which was returned was characteristic

[1] *Records of the General Court*, p. 127.

[2] Clayton's *Virginia*, pp. 21, 22, Force's *Historical Tracts*, vol. III.

of the whole planting class. Mr. Clayton, who was a clergyman by profession, was flatly informed that he knew very much better how to compose a sermon than how to produce tobacco, and was warned not to interfere further with a man who had learned his business from practical experience. Doubtless it appeared to the overseer the very height of presumption on the part of the guest of his mistress, a man who had, perhaps, never seen the plant in his life until his arrival a few weeks before in Virginia, to be seeking to instruct him as to the soil best adapted to its production. In enforcing his views, Mr. Clayton, no doubt, spoke dogmatically, and his confidence in the soundness of his advice was further sustained by the claims which he laid to considerable scientific knowledge. A Virginian overseer of the seventeenth century, however, was not to be overawed by such pretensions.

The English clergyman was not discouraged by the bluntness of the overseer in warning him to confine himself to his sermons. His reflections at the moment were, as we learn from what he subsequently published, that the Virginians were "conceitedly bent on following their old custom and practice," and were opposed to receiving instructions from others, however plain, easy and advantageous they might be. This state of feeling he disclosed some time afterwards on offering the same advice to his hostess, who proved to be much more compliant than her overseer. She adopted his suggestion, and in the proper season directed that the swamp should be drained, although in doing so she gave her agent such offence as to lead to his withdrawal from her employment. In the following year, when the exposed soil had become thoroughly dry, it was cultivated in tobacco and brought forth plants almost unexampled in size. Mr. Clayton records with evident pride and satisfaction in the accuracy of his pre-

diction, that his former hostess, who happened to be in England in the course of the year in which the first crop was harvested from the former bog, had related to him that the product was so heavy as to incur the suspicion of being Oronoco, and that she consulted him in consequence as to the proper method of reducing the size and weight of the leaves. He prudently recommended that, instead of allowing four or five to the stalk, she should increase the number to seven or eight, and so by distributing the strength of the plant in many directions, diminish the length, width, and thickness of each leaf. This course appears so obvious as a means of reducing the bulk that it is surprising that our proprietress should have been led to consult a foreign clergyman to obtain a remedy for the fault of which she complained. She was either ignorant of the culture of tobacco, or was seeking to make an agreeable impression upon her former guest by appearing to rely upon his superior knowledge.

If Mr. Clayton had revisited Virginia ten years subsequent to the time which he passed there, he would have found the planters still actively engaged in clearing new grounds in preference to draining the swamps and marshes. The only use to which the soil in these localities was put in connection with tobacco was when occasionally removed in small quantities to the field and there inserted in the hills as a means of manuring them. As a rule, however, this had proved to be injurious, the earth, as soon as the moisture in it evaporated, becoming so hard that the roots of the plant were unable to penetrate it and in consequence died.[1] It was a recognized fact among all who were informed as to the Virginian leaf from practical experience in its cultivation, that the kinds grown in marsh land belonged to inferior grades. The overseer

[1] Clayton's *Virginia*, p. 25, Force's *Historical Tracts*, vol. III.

who replied with so much contempt to Mr. Clayton, when urged to drain the swamp, was only expressing the opinion entertained by the planters in general. The English traveller himself states that when he pressed the same advice upon a number of his acquaintances, they received the suggestion with an unmistakable flout. One explanation of their objection was, that tobacco produced in a soil which had been recovered from the bog, unless kept for a long time, was as incombustible in a pipe as leather.[1] It was known as the non-burning sort, a defect in its first stage after curing that was temporarily fatal to its value. There was quite naturally but little disposition to cultivate a plant that was not marketable until it had been stored away for a very considerable period, during which it was exposed to the same risks of depreciation as the other grades. The incombustibility of leaves obtained from ground redeemed from swamp and marsh was supposed to be due to the small quantity of nitre the plant contained in consequence of the absence of that ingredient in the soil itself. The character of the product was dependent upon the character of the land. Both planter and merchant were disposed to lay much emphasis upon the substance of their tobacco, since its excellence was considered to be proportionate to the closeness of its texture, and this was only observed in perfection when the soil was especially adapted to its growth. Earth containing among its elements a moderate quantity of sand was thought to be very much impregnated with nitre, and was, therefore, peculiarly suitable for the cultivation of the variety most popular with smokers, its greater combustibility being attributed to this cause.[2] This was the sweet-scented tobacco for which the Colony enjoyed so much

[1] Hugh Jones' *Present State of Virginia*, p. 39.

[2] Clayton's *Virginia*, p. 16, Force's *Historical Tracts*, vol. III.

reputation. Between the sweet-scented and the Oronoco, which represented the other extreme in weight, there were several varieties, the seed of which bore the names of planters who had given them special distinction. The Pryor, which is cultivated in Virginia to-day, was well known as early as the seventeenth century; but other kinds distinguished in a similar way have not descended to more recent times.[1] It was stated that the Indians had several varieties of tobacco of their own at this period which were unknown to colonial husbandry.

When Hugh Jones resided in Virginia, nearly twenty years subsequent to the decade now claiming our attention, he noted the fact, which was just as true in the closing years of the seventeenth century as in the opening years of the eighteenth, that the lands situated between the York and the James were peculiarly adapted to the growth of the sweet-scented tobacco, and that the quality of this variety was observed to decline the further one proceeded northward from the York or southward from the James. Jones was disposed to attribute this in a very large measure to a difference in seeds and management, but the true explanation doubtless lay in the difference in the ground under cultivation. The modern history of the plant in Southern Virginia has shown how dependent are the fine varieties upon special elements in the composition of land, and that these elements may be found in the soil of one county and yet be entirely absent in that of another, although contiguous. In the time of Hugh Jones, the tobacco cultivated on a small tract in York County, known as Digges Neck, enjoyed the highest degree of reputation for its mild taste and agreeable odor.[2] Appar-

[1] The Townsend variety was well known. See *Records of York County*, vol. 1657–1662, p. 128, Va. State Library.

[2] Hugh Jones' *Present State of Virginia*, p. 34.

ently, the general division of country adjacent to the Neck was of precisely the same character, but the difference in the product revealed that this was not so. We have here an instance recalling the history of many of the most famous brands of foreign wines, the growth of the grapes from which they are made being in many cases restricted, not to certain parts of Europe, but to single vineyards covering an area of comparatively few acres.

William Fitzhugh, who not only planted tobacco himself but also purchased a large quantity annually, was of the opinion that the soil of the country north of the Rappahannock was as well adapted as that of the Peninsula to the development of the finest grades of the leaf. In a letter to James Bligh, an English merchant with whom he had dealings in 1697, he announced that he had sent to his correspondent's address a certain quantity of the stemmed, sweet-scented variety, which he asserted to be as excellent in quality as the same kind from York, a statement that he justifies by his experience in selling the product of this county in the markets of London and Bristol during a period of several years.[1] Whether or not the soil of the Northern Neck was as conducive to the growth of sweet-scented tobacco as the soil of the Peninsula, it was cultivated in the former part of the country to a very great extent. Fitzhugh seems to have planted the Oronoco or the sweet-scented just as his anticipation as to which of the two would ensure the largest profit when disposed of in England dictated. In 1685, he is found in possession of thirty or forty hogsheads of the latter, which were in large measure the product of his own lands.[2] In 1688, his crop of Oronoco amounted in volume to one hundred casks, but as it commanded a very

[1] *Letters of William Fitzhugh*, April 8, 1696.
[2] *Ibid.*, June 1, 1685.

low price, he decided to substitute for it in the following year the sweet-scented, because this was capable of being packed in greater bulk and was therefore cheaper to transport.[1] The Oronoco was grown on bottom lands remarkable for their fertility, the aim of those who were engaged in cultivating it being to make it extremely heavy, and to bring it to the color of a kite's foot.[2] The shape of the leaf of this variety was more elongated and sharper at the end than that of the sweet-scented, causing it to resemble the ear of the fox. The leaf of the sweet-scented was rounder and finer in its fibre. The excellence of the seeds of both was tested by the readiness and brilliancy with which they flashed when cast into the fire. In laying off a plant bed, a spot of ground was selected that was found to be composed of a rich mould. The seeds were sown about the middle of January. It seems to have been due to a suggestion of Clayton that the method was introduced of steeping them in an infusion of soot and stable manure before they were scattered over the surface of the plant bed, the object of which was to quicken the process of germination ; it was also the habit to mix them with ashes and then to sow them broadcast, as it was supposed that a more even distribution was thus ensured.[3]

The plants, before they were removed from the bed in the woods to the field where they were to be set, were exposed, as in more recent times, to the depredation of a small fly which devoured the plume ; no effort seems to have been made to divert the attention of this insect from the young tobacco by cultivating, around the boundaries

[1] *Letters of William Fitzhugh*, July 22, 1689.

[2] Clayton's *Virginia*, p. 15, Force's *Historical Tracts*, vol. III.

[3] Glover, in *Philo. Trans. Royal Soc., 1676–1678*, vol. XI–XII, p. 634 ; Clayton's *Virginia*, p. 18, Force's *Historical Tracts*, vol. III.

of the beds, weeds, for the flowers of which they were known to have a strong proclivity. To raise a barrier against the incursions of these pests as well as to furnish protection from the rays of the sun, oak leaves and boughs were thickly strewn over the surface of the patch; straw was also used until it was observed that the plants which had been guarded from injury by this means showed, when transferred to the field, a tendency to lag in their growth and to take a spiral shape. For this reason they were always referred to as "Frenchmen," a people who were associated in the Virginian mind with tallness and attenuation in form.[1]

There was no date which was universally accepted as the proper time for transplantation. It was the habit of some to remove the tobacco from the bed as early in the season as was practicable; but of others, to defer doing so until the latest moment, the peculiar character of the soils of the different fields not entering into consideration.[2] As a rule, transplantation began very early in May, small hills situated about four feet apart having first been thrown up for the reception of the slips. The tobacco patches on the same estate lay in some cases as widely separated as a mile, or a mile and a half, such ground being chosen as was most fertile, and, therefore, most certain to be highly productive.[3] As each plant grew in size, care was taken to keep the surrounding earth entirely free of weeds, and when the plant had put forth leaves to a certain number, a dozen or more if the ground was rich, or if poor, nine or ten, the stalk of the top was broken off, and from that time the offshoots at the junction of leaf and stalk were destroyed as fast as they

[1] Clayton's *Virginia*, p. 19, Force's *Historical Tracts*, vol. III.
[2] *Ibid.*, p. 17.
[3] *Ibid.*, p. 22.

attained to a fair size, which was in the course of a week.[1] The horn-worm had also to be removed. As soon as the appearance of the plants indicated ripeness, they were cut down with a special knife,[2] a dry day being chosen on which to perform the work, as it was necessary that the leaves should shrink and fall before they were transferred under roof. The modern custom of placing each plant on a stick while it was still in the field was unknown in the seventeenth century. The plants were carried to the barn by the laborers and were there received by others, whose duty it was to drive a peg into the stalk of each plant, the peg being subsequently attached to the tobacco stick. The use of the peg is evidence that the splitting of the stalk was an invention of a much more recent age. At the present time the stick is thrust between the two portions of the severed stalk, and thus furnishes all the support that is needed. The manufacture of pegs and sticks was a work which was probably accomplished at odd times; a witness in a case in Henrico County, in 1688, refers to the fact that an acquaintance had on one occasion in the month of October been employed until midnight in making these articles as a provision against the cutting of the tobacco.[3] It was doubtless a common occupation in the idle hours of winter.

The barns in that age were probably more carefully built than are those of to-day. They were both cased and weather-boarded, the coverings being put on in a series of equal lengths. In general, the number was

[1] Glover, in *Philo. Trans. Royal Soc., 1676-1678*, vols. XI–XII, pp. 634, 635.

[2] There are numerous references in the county records to the "tobacco knife."

[3] Glover, in *Philo. Trans. Royal Soc., 1676-1678*, vols. XI–XII, pp. 634, 635; *Records of Henrico County*, vol. 1688-1697, p. 13, Va. State Library.

six.[1] The average length and breadth of the barns appear to have been thirty by twenty, but structures of this kind forty, fifty, and even sixty feet long were not unusual.[2] The use of fire in hastening the process of curing was unknown to the planters of the seventeenth century; this process was left to the operation of the air, which was permitted to circulate freely in the interior of the building. At the end of five or six weeks the tobacco had undergone the desired change, as appeared from the quickness with which the stem snapped when bent.[3] While passing through the various stages of curing, there was danger that the texture of the leaf would suffer from house-burning;[4] and there was also a possibility that it would become husky from repeated sweatings.

When the tobacco had been cured, it was taken down as soon as the moisture in the atmosphere was sufficient to penetrate the leaves and to produce in them such limpness that they could be handled without bruising, in which condition they were stripped from the stalk and assorted according to grade and variety, Oronoco and sweet-scented

[1] *Records of Henrico County*, original vol. 1682–1701, p. 325; *Ibid.*, original vol. 1677–1692, p. 104.

[2] *Ibid.*, original vol. 1697–1704, p. 195; *Records of York County*, vol. 1633–1694, p. 63; *Ibid.*, vol. 1657–1662, p. 96; *Ibid.*, vol. 1664–1672, p. 16, Va. State Library.

[3] The following is the only reference to the use of fire in the tobacco barns which I have been able to find in the records of the seventeenth century: "Deposition of Hopkins Davis saith that . . . Thomas Relye sent yt examinant to the tobacco house to make a fire pretending it to be for to make a smuther under the tobacco. Deposition of Thomas Relye that sitting at the tobacco house making peggs his master came to him and told him they had hung the tobacco . . . that there must be a smuther made." *Records of Accomac County*, original volume 1671–1673, p. 107. The object of the "smuther" seems to have been merely to smoke the tobacco, probably to free it of horn-worms and other insects.

[4] *Letters of William Byrd*, Oct. 11, 1688.

being exported separately. The lowest grade was known as lugs as early as 1686, one barrel of this quality forming a part of the estate of Robert Clark of York, an appraisement of which was made and entered upon record in that year.[1] The leaves were generally deprived of their stems before they were packed in cask, but occasionally these were allowed to remain;[2] in July, 1698, Fitzhugh shipped to England in the same vessel thirteen hogsheads of stemmed sweet-scented tobacco and two hogsheads of unstemmed.

Special legislative precaution continued to be taken to ensure excellence in the construction of the framework of the cask, this being necessary to keep it from falling asunder when rolled; every stave was still to be one-third of an inch in thickness, and the timber from which it was fashioned was to be dry and seasoned. It was not judged to be in this condition unless it had been kept for a period of three months after it had been hewed.[3] The hogshead was required to be forty inches in height, measuring by the stave, and thirty inches in the drain of the head. It was first to be stamped with the initials of the name of the cooper who had made it, and as soon as it was packed with tobacco, it was marked 1, 2, 3, or 4, and so on, according to the number of the hogsheads which the owner intended to export. The initials of the

[1] For an additional instance, see *Records of York County*, vol. 1687–1691, p. 292, Va. State Library.

[2] *Letters of William Fitzhugh*, July 26, 1698.

[3] Hening's *Statutes*, vol. III, p. 51. The strictness of the regulations as to the size of the hogsheads and the timber of which they were made seems to have been rendered necessary by the disposition of many planters to give an over-proportion of thickness to the staves and heading, as a means of defrauding the purchaser, who was generally a merchant or a shipowner. See Proclamation of Howard instructing the Grand Juries to take cognizance of all violations of the law. *Records of Lower Norfolk County*, original vol. 1675–1686, f. p. 178.

latter were then inscribed upon each. The weight of the average cask increased with the progress of the century, ranging from five hundred to one thousand pounds, the object of the increase being probably to lessen the burden of the tax of two shillings imposed upon every one sent out. The larger the size of the hogsheads forming the cargo, the smaller the amount of duty to be paid, because the duty had respect to number and not to weight. The latter was ascertained by means of a pair of great still-yards, an instrument that was frequently included among the items of inventories of estates.[1]

The final disposition of the tobacco depended upon a variety of circumstances. If the owner was not in debt to merchants for previous advances of clothing and other necessaries, he either sold it to some local trader, or shipped it to a correspondent in England or one of the Colonies. In the majority of cases it was delivered to the receivers of merchants in accord with formal contracts made long beforehand, under the terms of which the planters had obtained goods in anticipation of crops to be produced. The receiver was simply an agent, but it was important that he should have had experience in observing and handling the leaf, as without it he was likely to become the victim of numerous impositions. There were many complaints about the knavishness of this class of men.[2] In the absence of special agreements, the mer-

[1] See, for these various details, *Letters of William Fitzhugh*, June 5, 1682; *Records of York County*, vol. 1664–1672, p. 27, Va. State Library; *Records of Elizabeth City County*, vol. 1684–1699, p. 35, Va. State Library; Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 58. Instances of hogsheads of tobacco weighing over six hundred pounds will be found in *Records of Middlesex*, original vol. 1694–1705, p. 251; *Records of York County*, vol. 1694–1702, p. 171, Va. State Library; *Ibid.*, vol. 1694–1697, p. 46, Va. State Library.

[2] *Letters of William Fitzhugh*, May 16, 1695.

chant in taking possession of the tobacco of his debtor had to meet the cost of the hogsheads in which it was packed.[1] This expense, however, was often covered by the amount of goods advanced.

The purchaser of tobacco, whether a local merchant, a trading planter, or the master of a ship, having secured the hogsheads which he had bought either in his own person or in the person of his agent, directed their removal to the nearest warehouse, or rolling-house, as it was called in that age. When the landing was situated at a distance they were conveyed in carts.[2] A common method, at this time, appears to have been, not to draw the cask over the ground by means of horses or oxen, like an enormous clod crusher, the custom of a later period, but to propel it by the application of a steady force from behind.[3]

Those who were most frequently employed in this work were the servants and slaves, but the energies of the seamen were also called into requisition, as a rule, however, when the hogsheads of tobacco were stored in barns situated not far from landings. The exertion demanded on their part in pushing the heavy casks over the surface of the colonial roads, in addition to the relaxing effect of the heat of the sun, caused them to express their disgust in unrestrained imprecations. It was from them that many unfavorable impressions of Virginia were obtained by people in England, who were not aware of the special reasons prompting the sailors to speak with

[1] Hening's *Statutes*, vol. I, p. 352.

[2] *Records of York County*, vol. 1664–1672, p. 114, Va. State Library; Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 9.

[3] The hogshead was made as strong as possible in order to withstand the strain of rolling. See Hening's *Statutes at Large*, vol. III, p. 51. Notwithstanding this precaution, the heading sometimes fell out. *Records of Henrico County*, vol. 1688–1697, p. 317, Va. State Library.

harshness of the country. Not satisfied with describing the Colony in the light of the difficulties which they had to overcome in rolling the tobacco to the shores of rivers, they ascribed to it a very unwholesome character, because at the time they were engaged in the performance of this work, they indulged very freely in drinking cold water and cider and in devouring the unripe fruit, which led to serious fevers and fluxes.[1]

Whenever the burden of the ship in which the tobacco was to be transported was too heavy to allow it to sail directly up to the wharf, or to enter the shallow creeks on which so many of the plantations were situated, the hogsheads were brought to the vessel by means of flats and shallops, the hire of which, when necessary, was always a source of considerable expense.[2] In order to avoid a long course of navigation, it was the habit of some shipmasters to despatch sloops into the different rivers to collect a sufficient number of casks to form a cargo. To ensure an unobstructed channel in the small streams, there was a special provision that not only the logs which had been floated down and had been lodged should be removed, and the trees which had fallen into the water from the banks be cut away,[3] but that no master of a vessel should throw his ballast into the channel when he came to anchor. The importance of this general regulation in the public view was shown by the grant to the different counties in 1679 of the power to pass by-laws to compel its strict observance.[4]

The ships employed in the transportation of tobacco to

[1] Beverley's *History of Virginia*, p. 241.

[2] *Letters of William Fitzhugh*, March 10, 1682–83. For an instance of the damage tobacco was exposed to in the course of such transportation, reference may be made to *Records of Middlesex County*, original vol. 1694–1705, p. 283.

[3] Hening's *Statutes*, vol. II, pp. 484, 485.

[4] *Ibid.*, p. 455.

England were built principally with a view to accommodating the largest amount of that commodity which it was practicable to store in the same extent of room, the holds being unusually spacious, while the cabins were very contracted. The number of casks which they carried ranged from two hundred to six hundred, or in point of weight, from one hundred and twenty to three hundred thousand pounds.[1] Fitzhugh asserted that he could load a big vessel with as much facility as a small, but it is significant that the planters, whether they produced large crops of tobacco or purchased a great quantity in addition to what they cultivated, as a rule, in sending their hogsheads to Europe, apportioned them to different ships. In February, 1685, Byrd wrote to his English correspondent that he had recently forwarded thirty in one vessel and ninety-one in another.[2] In 1695, Fitzhugh exported eight hogsheads in one ship, twenty in a second, and thirty-seven in a third.[3] In adopting this course, both Byrd and Fitzhugh, who were representatives of their class, were influenced not so much by apprehension lest in sending all of their tobacco in a single

[1] *Letters of William Fitzhugh*, April 8, 1687. The following items in the appraisement of the *Francis and Mary*, owned in part by Francis Emperor of Lower Norfolk County, will show the value of many of the ships engaged in the transportation of tobacco: hull, with her masts, yards, standing and running rigging, £140 ; one sheet cable of ten inches, one cable of seven inches, one of five and a half, £50 ; one suit of sails, £10 ; one anchor weighing 700 lbs., one weighing 500 lbs., one small anchor, £15 ; one long boat with mast and sails, £4 ; seven guns, weight 5800 lbs. with carriages, tackles, round and bar shot, crows and hammer, £40 ; five old muskets and two swords, £14 ; one copper kettle, iron pot and skillet, £10 ; five tons of old water casks and two tons of new, £5 ; the value of the vessel and contents being £265 12*s*. *Records of Lower Norfolk County*, original vol. 1656–1666, f. p. 114.

[2] *Letters of William Byrd*, Feb. 19, 1685.

[3] *Letters of William Fitzhugh*, June 10, 1695.

vessel they should expose themselves to the destruction of the whole of it in one wreck, as by inability to collect the commodity, whether produced by themselves or purchased from others, in time to form a cargo. The prospect of losses at sea was always imminent, and unless policies of insurance had been previously obtained, these losses were irrevocable. Fitzhugh declares that he had, in the course of three years alone, been deprived of two large crops of tobacco by the foundering or capture of the vessels which were engaged in transporting them to England.[1]

It was in some years difficult to obtain transportation, owing to the failure of vessels to make their appearance in the rivers in sufficient numbers to carry off the tobacco. Fitzhugh frequently complained that he had a large number of hogsheads which it was impossible for him to export in consequence of the scarcity of shipping, their contents undergoing great damage by delay, and in some cases falling into ruin.[2] This scarcity was not confined to the remote waters of the Rappahannock and Potomac. Byrd, who resided on the James, had reason to complain quite often of the same condition, and he was forced occasionally to transfer his crop in his own sloops as far as Kecoughtan to find a vessel in which it might be conveyed to England.[3] It was always inadvisable to neglect the use of the first ships arriving in the Colony, as there was no assurance that freight would be secured

[1] *Letters of William Fitzhugh*, July 21, 1692.

[2] *Ibid.*, July 22, 1690. Byrd, writing in the same year to his brother (July 25, 1690), says in evident reference to himself and his neighbors: "I doubt not but you may have had considerable taxes during these late revolutions, (in England) but still you enjoy what you have in peace, whilst others daily venture a great part of theirs to sea, where if they escape the enemy are often lost by tempest."

[3] *Letters of William Byrd*, May 10, Feb. 12, 1686.

at a later date. This difficulty in obtaining transportation was doubtless in general confined to years in which prices had sunk to a low point. At the same time, it was well known that the masters of vessels were unwilling to accept the hogsheads of persons who refused to consign their tobacco to the merchants in England who owned these vessels.[1] The planter would not infrequently write to his correspondent in New England to procure a ship in that region, and to send it to Virginia to transfer his crop to London or Bristol, or he would for the same purpose contract with a master who had brought in a cargo from the West Indies, and in such agreements several persons would sometimes unite. Whenever it was the habit of certain colonists to export their hogsheads in a particular ship, there was an indisposition on the part of others to anticipate them, even though a full opportunity to do so presented itself.[2]

In spite of the inconveniences to which the planters were so frequently exposed in obtaining freight, they seem to have felt no very strong inclination to purchase a share in a large vessel. Among those who acquired a part or an entire interest in a ship were Samuel Bayly, John Rice, Edmund Scarborough, Stephen Charlton, Francis Emperor, Thomas Butts, Henry Goodrich, Nicholas Scott, Thomas Stegge, William Pryor, Nathaniel Bacon, Sr., Richard Lee, and John Page.[3] It was not

[1] *Letters of William Byrd*, Aug. 8, 1690.

[2] *Ibid.*, June 6, 1685, Oct. 30, 1686, July 19, 1690.

[3] *Records of Accomac County*, vol. 1632–1640, p. 22, Va. State Library; *Records of Rappahannock County*, vol. 1682–1692, p. 34; *Ibid.* vol. 1677–1682, p. 353, Va. State Library; *Records of Northampton County*, original vol. 1654–1655, pp. 22, 153; *Records of Lower Norfolk County*, original vol. 1656–1666, pp. 133, 313, 421; *Records of Middlesex County*, Orders of Court, Jan. 2, 1692–1693; *Records of York County*, vol. 1690–1694, p. 137; vol. 1638–1648, p. 202, Va. State Library; *N. E. Historical*

until 1696 that Fitzhugh expressed an intention of becoming a part owner in a vessel.[1] Byrd complained that he was brought into debt by the interest which he possessed in property of this kind, but such an interest was not lacking in substantial advantages, as the captains of the ships in which the Virginian planters had partial ownership generally gave them the preference in freighting.[2]

The bill of lading contained the marks and numbers stamped upon each hogshead when ready to be exported. It stated that the tobacco was in good order when delivered, and guaranteed that it would be in the same condition when it reached the consignee, the only exception made being for damage inflicted by the action of the sea.[3] It also prescribed the amount of the charges to be paid for transportation. A second bill of lading with the same provisions was drawn along with the first, the one to become void as soon as the other was accomplished; one of the two was enclosed by the owner to his merchant wherever he resided, whether in England or elsewhere, and by its authority a demand was made by the latter for the tobacco when it reached its destination.[4]

and Genealogical Register, April, 1885, p. 160, January, 1892, pp. 69, 70. John Page owned an interest in three ships : the *Augustine*, *East India Merchant* and the *Jeffery*.

[1] *Letters of William Fitzhugh*, June 15, 1695.

[2] *Letters of William Byrd*, July 19, 1690.

[3] See bills of lading recorded in *Middlesex County*, original vol. 1694–1705, p. 283; *Lancaster County*, original vol. 1666–1682, p. 170.

[4] *Records of York County*, vol. 1671–1694, p. 109, Va. State Library; *Letters of William Fitzhugh*, p. 262. The following was the form of the bill of lading (see volume and page of *York Records* just referred to): "Shipped by the Grace of God in good order and well conditioned by "mee, Robert Bauldry, in and upon the good shipp called the Thomas "and Edward, whereof is master under God for this p^r^sent voyage, Capt. "John Martin, and now riding at anchor in Yorke River and by God's

The freight rates fluctuated with circumstances. In 1630, there was a sharp complaint on the part of the planters that they were compelled to pay twelve pounds sterling a ton, which at this period consisted of four hogsheads, this extortionate charge continuing until the General Assembly interposed, in the session of 1639–40, with the enactment that all masters of vessels who advanced the freight rate beyond six pounds were to be fined in such an amount as the Governor and Council should consider advisable.[1] Thirty years later these masters were sometimes instructed by the owners of their craft to grant transportation at seven pounds sterling a ton ; if the ship in making the voyage to England was to pass by the West Indies, there was an additional charge of twenty shillings.[2] In a bill of lading which Robert Bauldry received in 1675,

"grace bound for London, to say, Tenn hodds of sweete scented tobac-
"coe being marked and numbered as pr margent

[B.
R. C.
No. 1 : 2 : 3 :
4 : 5 : 6 :
7 : 8 : 9 : 10 :]

"and are to bee delivered in the like good order and well conditioned at
"the aforesaid port of London (the danger of the seas only excepted)
"unto George Baker or order, hee or they paying freight for the said
"goods after the rate of seven pounds p. tunn with primage and average
"accustomed. In witnesse whereof, the said master hath affirmed to two
"bills of Lading, both of one tenor and date, the one of which being
"accomplished, the other to stand void, and doe God send the good
"Shipp to her desired Port in safety, Amen. Dated the tenth of May,
"1675. The quantity received, quality not known." John Martin. Among the goods belonging to the estate of John Gosling was one-half quire of Bills of Lading. *Records of York*, vol. 1657–1662, p. 87, Va. State Library.

[1] Hening's *Statutes*, vol. I, p. 225.

[2] *Records of York County*, vol. 1664–1672, p. 391, Va. State Library. The freight rate in 1674 from Rappahannock River was £10.

showing the transfer of ten hogsheads to England, the freight rate was seven pounds sterling. In some instances, this was reduced to six pounds ten shillings,[1] and in others still to five pounds five shillings.[2] It was the opinion of masters of vessels ten years afterwards that a freight rate of six pounds sterling a ton left no margin for profit.[3] Whenever shipping was scarce, the charges advanced in a notable degree; in 1690, Byrd, who had two hundred hogsheads still on hand, was compelled to accept an offer of Captain Tatnall to convey his tobacco to England for fourteen pounds sterling a ton. Under some circumstances at this time, as much as sixteen pounds sterling was asked by masters and paid by planters, who were glad to secure transportation even on these terms. These advanced rates were due to the fact that England was now involved in a war that diverted a large amount of shipping from Virginia.[4] In the following year the number of vessels in the waters of the Colony were so few, that the masters who arrived demanded from seventeen to eighteen pounds sterling in freight to the ton. The most careful persons were willing to pay as much as fifteen pounds.[5] In order to avoid the high rates for conveyance in English ships, some of the planters wrote to New England to obtain cheaper bottoms; in 1690, Byrd is found in correspondence with Mr. Hutchinson for the purpose of engaging in the Northern Colonies several vessels, each of which should carry about ninety tons, and he declared himself ready to pay ten pounds sterling a ton.[6] The heavy charges were largely to be attributed

[1] *Records of Henrico County*, vol. 1682–1701, p. 190, Va. State Library.
[2] *Letters of William Fitzhugh*, March 30, 1684.
[3] *Letters of William Byrd*, March 6, 1688.
[4] *Ibid.*, July 25, 1690.
[5] *Ibid.* See first and third letters, dated May 29, 1691.
[6] *Ibid.*, Aug. 1, 1690.

to the length of time a ship was compelled to remain in Virginia while occupied in collecting a cargo; it was asserted that these charges were double what they would have been if the vessel could have taken in its load of tobacco promptly instead of being compelled to pass from landing to landing, often very remote from each other, thus losing three or four months, during which it was necessary to provide the sailors with food and to remunerate them in wages.[1] The amount of freight was not due until the cargo was delivered in England or wherever it was consigned.[1]

A large portion of the tobacco exported from the Colony at this time was shipped in a loose mass. So strong was the temptation to transport it in this shape, that even after it had been placed on board in hogsheads, the hogsheads were frequently broken open when the vessel had gotten under way, and the cargo rearranged.[2] One explanation of this course of action in many cases was that tobacco in bulk could be smuggled very easily into the kingdom, which was done by running the ships into the smaller ports where the revenue laws were laxly enforced, or into the mouths of creeks or lonely bays and estuaries. Having once found access to land, it was borne on packhorses to the interior towns, where it was sold from door to door at much cheaper rates than the merchants in London could afford to retail it. Even when the leaf shipped in bulk was conveyed directly to ports where the custom laws were strictly carried out, an important part

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 9.

[2] All the details that follow as to shipments in bulk, unless a different authority is given, are taken from William Byrd's treatise on bulk tobacco. It is of interest to note that although Byrd condemned so severely exportation in bulk, nevertheless, on one occasion he sent out as much as fifty-one hogsheads in this shape. See his letter, June 4, 1691. Byrd's treatise will be found in the *History of the Dividing Line and Other Tracts*, vol. II, p. 140.

of it escaped the regular charges. Women and children came on board in a quiet way, bought the tobacco in bundles, and secretly bore it off to the shore.[1] The sailors also disposed of the leaves in the same furtive manner. When the cargo was afterwards weighed in the custom-house, it was found to be smaller in amount than the ship papers called for, and the discrepancy was generally explained on the ground that the commodity had shrunk in the course of the voyage, or that a portion of it had been thrown into the sea to save the remainder. Transported in bulk, it was necessarily subject to a great many casualties from which it was exempt when packed in hogsheads, such as spontaneous combustion, mowheat, and the depreciation resulting from the entrance of sea water through the hatchways in heavy storms. There was always a decline in the quality of such tobacco, even when the voyage was fair and prosperous. Its color faded and the sweetness of its scent was sensibly diminished.

Grave as was the loss to the royal revenue from the volume of leaf in bulk escaping the officers of the customs, the loss to the treasury of the colonial government was still more serious, the income of the latter being curtailed, because tobacco in this shape was exported in only too many instances without the owners having paid the usual charges to the collectors, the packages or bundles being smuggled on board as the vessels passed from plantation to plantation. An amount which would require a dozen ships to convey it, if exported in hogsheads, needed only ten when it was in bulk, and the result of this was that the Colony was deprived of port dues upon one vessel in every six. The number of crews to be supplied with

[1] In 1695, Fitzhugh authorized Captain Jones, whom he had engaged to transport his tobacco to England, to sell it "at the mast." See *Letters*, June 15, 1695.

meal, flour; meat, and vegetables was also lessened to that extent. A ship in which a cargo of loose tobacco was stored was more heavily laden than if it had only hogsheads on board, because the bundles of leaves could be deposited in the cantlings and hollows, where it was impossible to place even casks of the smallest size. A vessel that would hold five hundred hogsheads could transport sixty thousand pounds in bulk.

The damage inflicted upon the planter was more serious than the injury which fell upon the colonial government in these shipments of the leaf in its loose state. The effect of the smaller expense of transportation in bulk was to enable the foreign importer to dispose of it at a lower rate than the same commodity that had come to him in hogsheads, and this necessarily brought the latter down in spite of the heavier charges which it had been required to bear. Loose tobacco did not have to undergo the delay entailed by the process of assorting and packing, and it, therefore, reached England at an earlier date and forestalled the arrival of the leaf in cask, which suffered from the largeness of the supply already on hand. The English market for tobacco in hogsheads was also injured by the fact that the commodity in its loose state could be hawked about the streets in small quantities and sold very cheaply, even when it had borne all the charges in the form of freight and custom.

The damage inflicted upon their interests by the shipments in bulk had been long recognized by the planters, and many had on a number of occasions protested against it. In 1687, for instance, James the Second was earnestly petitioned to prohibit its continuance and he consented,[1]

[1] Order of the King in Council, *British State Papers, Colonial Entry Book*, No. 83, pp. 159, 160; *Sainsbury Abstracts for 1687*, p. 93, Va. State Library; see also Archives of Maryland, *Proceedings of Council*, vol. 1687–1693, p. 45.

but in the conflicts of the time no steps were taken by the Assembly to carry out his command. Five years later, when the evil complained of had become more intolerable, Byrd addressed his well-known treatise on bulk tobacco to the English authorities, and his recommendations were marked by a thorough understanding of every aspect of the question under discussion.[1] In his opinion, it was advisable to pass a law which would impose a penalty of one thousand pounds upon all who exported in bulk, and furthermore, a bond in the same amount should be required of the commander of every vessel engaged in the transportation of Virginian products, and also a specific statement of all his consignments. Every bill of lading should be sworn to, and the oath, with the signature of the collector attached, embodied in it. Three contents should be drawn up, the first to be delivered to the master to enter his ship by when he arrived in the mother country; the second to be forwarded to the Commissioners of the English Customs, and the third to be retained by the collector in Virginia. Finally, the shipmaster should return, before the expiration of twelve months, a certificate showing that he had been discharged by the Commissioners of Customs in England.

The stringency of these propositions is an evidence of the warm opposition which the habit of shipping in bulk had aroused among a large number of the colonists. No man who produced tobacco on a considerable scale was in favor of it, and of this class, Colonel Byrd was a very conspicuous representative; he was not only a cultivator of the ground but also a merchant and trader, and in all of these characters appreciated the force of every influence that was likely to lower the value of the principal commodity which he dealt in. The habit must have found

[1] A brief synopsis of this treatise has already been given.

its chief supporters among those who were not interested in planting, and who were anxious to take advantage of every means that would enable them to transport their tobacco to the English market at the earliest opportunity after the process of curing was finished, and at the lowest freight rates which could be secured. Such men were doubtless, in most cases, factors of English merchants who were seeking to acquire the largest profit on their purchases.

To obtain an accurate notion as to the quantity of leaf which was shipped from Virginia each year in the closing decade of the century, it is necessary only to examine the returns of the collectors for the different districts established when a duty of two shillings was imposed on every hogshead and every five hundred pounds in bulk exported from the Colony. In 1689, there were eight of these districts, and the whole amount of tax derived from this source was three thousand six hundred and thirty-one pounds sterling. It is interesting to note that in this year the county of York produced the largest quantity of tobacco; Rappahannock followed next, but at a very considerable interval; Upper James was the third in the list, and Accomac the last. Seven years afterwards, the tax collected did not exceed three thousand pounds, but in the meantime a law had been passed providing that the size of a hogshead might be increased one-fifth, the result of which was to diminish the volume of revenue from this source very materially. So far as the amount reaching the colonial treasury was concerned, it was still further curtailed by the fact that ten per cent of it was paid over to the masters of the ships to induce them to return an accurate statement as to their cargoes; an additional ten per cent was always allowed to the collectors, and seven and a half per cent to the auditors.[1]

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 58.

The average price of the leaf in the closing years of the seventeenth century did not vary materially from the average price during the period immediately preceding 1688. In 1695, Samuel Smith of Elizabeth City entered suit upon his account against Philip Johnson in the sum of ten pounds sterling, or sixteen hundred pounds of sweet-scented tobacco. This equivalent would indicate that the latter was now worth about a penny and a half a pound. A suit was also brought by the same person against John Collsell for three pounds eight shillings and nine pence, or five hundred and fifty pounds of the same variety of the plant, which would represent the same salable value.[1] On the other hand, there is recorded in this year the transfer in Elizabeth City County of a large quantity of this commodity in return for five shillings a hundred pounds.[2] Ten years previously, Colonel Fitzhugh had disposed of one hundred and fifty casks at the rate of five pounds sterling a cask, or seven hundred and fifty pounds sterling for the whole amount of tobacco, deductions having been made for every kind of charge. The average weight of the hogsheads in this instance probably did not exceed six hundred pounds, causing the price of each pound of their contents to be equal to about two pennies.[3]

There were as many reasons to induce the planters to complain of the prices of tobacco in the latter as in the early part of the seventeenth century. Both Fitzhugh and Byrd refer very frequently to the rapid changes in its value. Byrd writing to a kinsman in England in 1688,

[1] *Records of Elizabeth City County*, vol. 1684–1699, p. 200, Va. State Library. An entry in the *Records of York for 1688* shows that this was the price of tobacco in that year. Vol. 1687–1691, p. 286, Va. State Library.

[2] *Records of Elizabeth City County*, vol. 1684–1699, p. 96, Va. State Library.

[3] *Letters of William Fitzhugh*, May 18, 1685.

declared that the only crop of Virginia was "stinking tobacco," and that it was not "worth a farthing." A few years before, he had expressed regret that the Colony did not produce a crop upon which the firmest reliance could be placed as a source of income.[1] The language of Fitzhugh in 1695 was almost precisely similar. "I heartily wish," he wrote to John Cooper in London, "that tobacco was such a commodity that we might certainly depend to raise money on the same."[2]

How enormous had grown the volume of tobacco imported into England may be discovered from the official statement issued in 1689, which had application to the previous three years. The quantity recorded for London for the year the report was published was 11,646,600 pounds, and for the other English ports 3,882,200 pounds.[3] In the light of these figures, the low price of the commodity is very intelligible. It seems entirely natural that the people of Virginia should have looked forward with much apprehension to the effect of the steady enlargement of the area cultivated in the plant in the different American colonies; there was apparently but one result possible, a still greater decline in its value. The only consolation which they could bring forward to modify the character of the outlook was that for fifty or sixty years, practically the whole history of Virginia, there had been a fear, now growing, now declining, that the increase in the amount of tobacco produced, following from the steady growth in population, would soon precipitate the total ruin of the community by rendering its staple a drug in the

[1] *Letters of William Byrd*, July 8, 1686, April 16, 1688.

[2] *Letters of William Fitzhugh*, May 17, 1695.

[3] Computation of Tobacco Imported in three Years, *British State Papers, America and West Indies*, No. 512; *McDonald Papers*, vol. VII, pp. 348–350, Va. State Library.

market, and yet this condition, which always seemed at hand and at times appeared actually to have arrived, had been staved off, and arguing from experience in the past would yet be in the future.[1]

There was never a prolonged disposition on the part of the people of the Colony to abandon for any length of time the culture of the plant and direct their attention to other products. This disinclination was as notable in the closing as in the early part of the century. The fact that all forms of public dues, such as quit-rents, levies, and tithes were still paid in tobacco had a strong tendency to give to this commodity the first importance in the esteem of the population of that age.[2] Jones, writing many years later, declared that in his own recollection, several English farmers had settled in Virginia and attempted to continue there the cultivation of the crops to which they had been accustomed in their native country. They had failed, in his opinion, because they would not make proper allowance for a difference in soil, climate, and seasons. The expense and labor imposed upon them in destroying the forest as well as in erecting barns and dwelling-houses had been so discouraging, that by the time that their plantations had been put in condition for grain, they were compelled to turn their attention to tobacco, to ensure the income of which they now stood in such urgent need.[3] There is no reason to doubt that precisely the same influences were at work in the last years of the seventeenth century to dishearten every colonist who undertook to confine himself to the cereals. There are, however, indi-

[1] "I cannot imagine what this trade will come to, since as we increase, there will certainly be greater quantity tobacco made, but the case hath been the same these forty or fifty years." *Letters of William Byrd,* July 8, 1686.

[2] *Letters of Governor Spotswood*, vol. II, p. 178.

[3] Hugh Jones' *Present State of Virginia*, p. 125.

cations that wheat, oats, and barley were grown on many estates devoted chiefly to the staple crop of the country. A considerable abundance of these grains was found at this time in Virginia. It is probable that there were now few of the larger plantations which did not have a number of acres in wheat, the product of which was to be converted to family use. One clause of the agreement, under the terms of which Reeves leased to William Arrington a part of his land in Henrico County, a transaction already referred to, was that Arrington should assist in ploughing in one or two bushels of this cereal.[1] Such a contract was not uncommon. The poorest class of planters were discouraged from putting down their soil in wheat to any extent by the fact that a fence had to be erected to enclose every field to prevent the depredations of live stock, a step entailing a draught upon their resources which they were unwilling to make.[2] In spite of the numerous obstacles in the way of the culture of this grain in the Colony, the amount produced was insufficient in many years, if not in every year, to furnish a considerable quantity for outside markets. That it was the habit of some persons to make shipments of wheat abroad is shown in the occasional laws prohibiting the exportation of the cereals in general on the ground that the supply in Virginia had been cut short by a recent storm or drought.[3] The countries to which this product was sent at this time were New England, Madeira, Barbadoes, and the Leeward

[1] *Records of Henrico County*, vol. 1688–1697, p. 578, Va. State Library.

[2] Beverley's *History of Virginia*, p. 237.

[3] Hening's *Statutes*, vol. II, p. 338. Wheat was not referred to by name in this statute, but it is presumed that this grain was included in the expression "corn or provisions." This supposition is strengthened by the fact that in the law of 1699, "Indian corn" is mentioned as the only grain which that statute was designed to keep from being exported. Hening's *Statutes*, vol. III, p. 185.

Islands.[1] It was not unusual for a vessel to take on a load of wheat in the Colony, sail to Madeira, where it was exchanged for wine, and return by way of the West Indies, where the wine was exchanged, in part at least, for sugar, rum, and slaves.[2] The ship commanded by Captain Jackson of Piscataqua, which arrived in the Rappahannock in 1683, came for a cargo of this grain.[3] From the terms of the agreement entered into by Fitzhugh and Jackson with reference to certain slaves to be imported by the latter, it would be inferred that this New England vessel was at the time on a voyage to the West Indies, where negroes were easily procurable.

The land in which wheat was sown was put into a condition to receive the seeds by means of the plough, the use of this instrument for breaking up the soil being now more general than it was in 1649, when it was stated that not more than one hundred and fifty ploughs were at work in the Colony. This implement would have been employed still more frequently but for the shortness of the time in which a field was exhausted by cultivation; in the case of low grounds, this condition was reached in eight years, and in the case of lands less favorably situated, in three. It was just as true of this period as of all preceding it, that the method of clearing away the forest by which the surface was left covered with stumps, was the most serious impediment to the general use of the plough. When the stumps had rotted in the ground, the latter had been abandoned as too poor for further cultivation.[4] It does not appear to have been the custom to fallow the land which was to be sown in wheat; one

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 4.
[2] *Letters of William Byrd*, Feb. 12, 1686.
[3] *Letters of William Fitzhugh*, Feb. 5, 1682–1683.
[4] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 7.

passage through the soil was considered to be sufficient.[1] No material change had taken place in the manufacture of the plough beyond the introduction of the mould-board, an invention of the Dutch. There were the share, the clevice, and the colter. The references in the inventories to plough irons are numerous, showing that iron entered largely into the construction of this implement. In one instance they were valued at twelve shillings, representing about fifteen dollars in modern currency.[2] The sizes of the ploughs differed materially.[3] Oxen were the animals most commonly employed in their use, the only gear necessary being chains, yokes, rings, and hooks.[4] The ploughs found in the Colony were of both domestic and English manufacture ; among the articles included in the inventory of Ralph Graves of York County was a Virginian plough valued at ten shillings, and an English plough valued at one pound sterling, a difference of ten shillings, which is to be accounted for either by the superior material and finer workmanship of the English implement or its more recent manufacture.[5] The number of ploughs in the possession of a planter rarely exceeded two ; in a majority of cases it did not rise above one.[6] In the appraisement of the merchandise in the store of Francis Eppes of Henrico, there are references to only two shares and colters, although this inventory includes a great variety and quan-

[1] Clayton's *Virginia*, p. 20, Force's *Historical Tracts*, vol. III. Wheat, like tobacco, was often sown in small areas of land which had been manured by the droppings of penned-up cattle. *Records of Rappahannock County*, vol. 1680–1688, p. 280, Va. State Library.

[2] *Records of York County*, vol. 1664–1672, p. 446, Va. State Library.

[3] *Ibid.*, vol. 1638–1648, p. 391, Va. State Library.

[4] *Ibid.*, vol. 1664–1672, p. 258, Va. State Library ; New Description of Virginia, p. 14, Force's *Historical Tracts*, vol. II.

[5] *Records of York County*, vol. 1671–1694, p. 105, Va. State Library.

[6] *Ibid.*, vol. 1638–1648, p. 391 ; *Ibid.*, vol. 1664–1672, p. 176, Va. State Library.

tity of goods.[1] The enumeration of the contents of many similar establishments in the Colony in this age shows no entry of a plough or any of its component parts.

When wheat was sown over a small area, it was perhaps the common plan to prepare the land for its culture with the hoe.[2] There were several kinds of this implement, the hilling, the weeding, and the grubbing. According to another classification, the broad and narrow were distinguished. The greater number were probably imported. In 1690, Fitzhugh is found sending instructions to his merchant in London to consign to him so many hoes, and his example was doubtless followed by others.[3] There are, however, in the inventories, many references to the "Virginia hoe," that is, the hoe manufactured in the Colony, which must have been skilfully fashioned if an inference can be drawn from its valuation, the average price ranging from nineteen pence to two shillings.[4] Spades were also used to a small extent, perhaps, in the preparation of the soil for wheat; they were sometimes made of steel, and were appraised as high as thirty pence.[5] The seed of wheat appear to have been

[1] *Records of Henrico County*, vol. 1677–1692, p. 96, Va. State Library.

[2] Hugh Jones' *Present State of Virginia*, p. 124. "It is common only by hoeing up the ground and throwing seed upon it and harrowing it in."

[3] *Letters of William Fitzhugh*, June 11, 1695.

[4] See inventory of Thomas Jefferson, 1698, *Virginia Magazine of History and Biography*, vol. I, p. 209. See also Major inventory, *Records of York County*, vol. 1675–1684, p. 48, Va. State Library. Among the articles included in the appraisement of the personal estate of Robert Beverley, 1687, were twenty-eight grubbing hoes. See inventory on file in Middlesex County. Thomas Haynes of Lancaster County was, according to the inventory of his personalty, the owner of twenty-two broad hoes and twenty narrow. *Records of Lancaster County*, original vol. 1674-1687, f. p. 62. The Stone inventory in York, 1648, included three small garden hoes. Vol. 1638-1648, p. 391.

[5] *Records of Henrico County*, vol. 1677–1692, p. 97, Va. State Library.

turned under by means of the harrow, the teeth of which were frequently of iron. The implement in use in Virginia in the seventeenth century was the same as that of the English farmers, which consisted in general of five parallel bars of wood, two yards in length, which were kept firmly in position by cross-pieces. In these the teeth were inserted. The use of the weeding harrow was probably confined to the maize and tobacco fields.[1]

The testimony is very favorable regarding the productiveness of the lands in Virginia which at this time were put down in wheat, a condition which was to be expected, as the culture of tobacco has always been found to be the most admirable preparation for the culture of this cereal. Clayton declares that the yield ranged from fifteen to thirty for every bûshel that was sown, while in England it did not exceed eight.[2] Jones, writing in the early part of the eighteenth century, estimated the return in the proportion of sixty, and in some cases even as high as eighty bushels.[3] In 1773, when nearly one hundred years had passed since Clayton's visit to the Colony, the ratio of increase on the lowlands was placed at twenty-five, thirty, and thirty-five bushels, and on the highlands at eight, ten, and fifteen.[4]

In harvesting wheat, both the reap-hook and the sickle were used, the number in the possession of individual planters being often very notable. In the inventory of the Richards personal estate, there were thirty of the former

Records of Elizabeth City County, vol. 1684–1699, p. 492, Va. State Library.

[1] *Records of York County*, vol. 1690–1694, p. 107, Va. State Library; *Records of Elizabeth City*, vol. 1684–1699, p. 320.

[2] Clayton's *Virginia*, p. 20, Force's *Historical Tracts*, vol. III; Rogers' *History of Agriculture and Prices in England*, vol. V, p. 783.

[3] Hugh Jones' *Present State of Virginia*, p. 124.

[4] Smyth's Travels, *Va. Hist. Register*, vol. VI, No. III, p. 132.

implements. Five reap-hooks and one sickle were among the articles bequeathed in the will of Dr. Francis Haddon in 1674. The personalty of Captain William Marshall included twelve sickles, and that of John Thomas, eleven sickles and reap-hooks.[1] The cradle was employed as early as the sixteenth century, but only in cutting barley and oats. Wheat was reaped throughout the sixteenth and seventeenth centuries.[2]

In describing wheat culture in Virginia about the middle of the century, Williams states incidentally that the grain could be trodden out without any difficulty by means of oxen, from which it is to be inferred that this was a more popular method than the flail.[3] Towards the end of the century, the sieve was employed to remove the chaff, this implement being imported not only from Old

[1] See *Records of Henrico County*, vol. 1677–1692, for Richards' Inventory; *Records of York County*, vol. 1671–1694, p. 99; *Ibid.*, vol. 1664–1672, p. 63, Va. State Library; *Records of Elizabeth City County*, vol. 1684–1699, p. 224, Va. State Library.

[2] Tusser's *Hundred Good Points of Husbandry;* Loudon's *Encyclopædia of Agriculture*, §§ 405, 509; Rogers' *History of Agriculture and Prices in England*, vol. IV, p. 47.

[3] Virginia Richly Valued, p. 13, Force's *Historical Tracts*, vol. III. According to Bishop, the custom of treading out grain was followed in Maryland and Virginia as late as 1790. "Horses were preferred and the advantages of this mode over that of the flail as used in the Northern States and England at that time, were, that an entire crop could be beaten out in a few days, thus securing it from the ravages of the fly. Three thousand bushels could be secured thus in ten days, which would employ five men 100 days with the flail. Treading floors were sometimes shifted from field to field, but a permanent floor of good waxy earth which became smooth, hard and glossy by use, was preferred. The floors were made from 40 to 130 feet in diameter, usually 60 to 100, with a path or tract at the outer circumference 12 to 14 feet wide, in which the sheaves were laid. The horses were led around by halters in ranks equidistant from each other, and at a sober trot." Bishop's *History of American Manufactures*, vol. I, p. 32. See *American Museum*, vol. VII, p. 64.

but also from New England. In August, 1690, Byrd requested Mr. Hutchinson of Boston to send him several to be used on his own plantation.[1] The chaff and straw were often stored in the tobacco houses.[2]

The Act requiring a certain number of acres to be cultivated in Indian corn and wheat still remained on the statute book, and there is unmistakable evidence that the law was strictly enforced.[3] The methods of preparing the soil for maize did not differ essentially from those which have been noted in the case of wheat, the plough, the hoe, and the spade being used indiscriminately for this purpose. The grains of Indian corn were probably removed from the husk at this time not entirely by the naked hand.[4] It commanded ten shillings a barrel, but there were local instances of its sale at six shillings, its condition in these cases being perhaps inferior.[5]

There were still intermittent efforts to stimulate the production of other commodities. In 1691, every tithable person in the Colony was required to make or cause to be made one pound of dressed flax and one pound of dressed hemp, or two pounds of either.[6] Andros, who was appointed to the administration of affairs in 1692, was very much interested in cotton, and a considerable area was planted in it under the influence of his encouragement, which was prompted by a desire to establish the manufacture of cloth in Virginia.[7] The cultivation of cotton,

[1] *Letters of William Byrd*, Aug. 1, 1690.

[2] *Records of York County*, vol. 1690–1694, p. 120, Va. State Library.

[3] See *Ibid.*, vol. 1684–1687, p. 84, Va. State Library.

[4] *Records of Henrico County*, vol. 1688–1697, p. 145, Va. State Library. In *Elizabeth City County Records*, vol. 1684–1699, Va. State Library, we find a reference to a "cradle to shale corn."

[5] *Records of York County*, vol. 1684–1687, p. 240, Va. State Library.

[6] Hening's *Statutes*, vol. III, p. 81.

[7] Berkeley, in his reply to the interrogatories of the English Commis-

which began during his term on a scale of some importance, was continued in increasing proportions down to the administration of Spotswood, but it could never have reached a high stage of development.[1] In modern times, a considerable amount is grown in a number of the southern counties of the State, but in that part of the Colony where Andros sought to promote its culture, only a few patches on each plantation have been worked, and these in the private gardens. Neither the soil nor the climate in the seventeenth century was adapted to the plant in its highest form, although the product was of sufficient excellence to excite the favorable comment of competent judges. Rice to a large extent remained unregarded, as there was nobody who understood the proper method of husking and cleaning it; whatever amount of this grain was raised, which must have been small, was consumed on the plantation where it was produced, for there was no market for its general sale.[2]

No use at this time seems to have been made of silk-grass. Silk culture had fallen into abeyance, if any inference is to be drawn from the absence of statutory allusions to it in the closing years of the century. It was supposed at one time that there were several vegetables that gave indications of degeneration in the climate of Virginia; among these was the red-top turnip,

sioners, 1671, declared that one of the bad effects of the Navigation Act had been the discouragement of cotton culture in Virginia. Hening's *Statutes*, vol. II, p. 516.

[1] *Letters of Governor Spotswood*, vol. I, p. 72. Among the articles referred to in the inventory of John Nicholls' estate, were two pair of cotton cards. *Records of Lower Norfolk County*, original vol. 1695–1703, f. p. 96. The authors of the *Present State of Virginia*, 1697 (Hartwell, Chilton, and Blair) declare in that work that "cotton grows in Virginia very fine." p. 5. At the time this was written there was little room for comparison.

[2] Beverley's *History of Virginia*, p. 261.

which was thought to be converted by transportation into rape. This was subsequently discovered to be a mistake. It was found that if after having been stored away during the whole of the winter, the top were cut off and planted alone, it would yield a seed from which a very fine species of turnip could be produced.[1] Jones at a later date declared that so far as his own observation extended, the only vegetable in Virginia which had declined since its removal from England was the artichoke.

In the closing years of the seventeenth century, there were few plantations in Virginia which did not possess orchards of apple and peach trees, pear, plum, apricot, and quince.[2] The number of trees was often very large. The orchard of Robert Hide of York[3] contained three hundred peach and three hundred apple trees. There were twenty-five hundred apple trees in the orchard of Colonel Fitzhugh.[4] Each species of fruit was represented by many varieties ; thus, of the apple, there were mains, pippins, russentens, costards, marigolds, kings, magitens and batchelors ; of the pear, bergamy and warden. The quince was greater in size, but less acidulated than the English quince ; on the other hand, the apricot and plum were inferior in quality to the English, not ripening in the same perfection.[5] Cherries grew in notable abundance. So great was the productive capacity of the peach that some of the landowners planted orchards of the tree for the mere purpose of using the fruit to fatten their hogs ;[6] on some plantations, as many as forty bushels are

[1] Beverley's *History of Virginia*, p. 238.

[2] Glover in *Philo. Trans. Royal Soc.*, 1676–1678, vols. XI–XII, p. 628.

[3] *Records of York County*, vol. 1694–1697, p. 71, Va. State Library.

[4] *Letters of William Fitzhugh*, April 22, 1686.

[5] Glover in *Philo. Trans. Royal Soc.*, 1676–1678, vols. XI–XII, p. 628.

[6] Beverley's *History of Virginia*, p. 260.

said to have been knocked down to the swine in the course of a single season.[1]

As a rule, the planters were indisposed to make any effort to improve their fruit by a system of pruning and grafting; the orchards, numerous as they were, were generally neglected, the plentifulness of the yield rather than the quality being most valued. Many persons who had gone to heavy expense to establish very large collections of fruit trees were not sufficiently interested in their preservation to protect them from the depredations of animals.[2] This indifference was not universal. The greater number of the trees of Colonel Fitzhugh, for instance, had been carefully grafted, and the whole area of ground upon which they stood was surrounded by a locust fence.[3] Six or seven years after the scions were planted, they were large enough to bear fruit, so quickly did they arrive at maturity under the influence of the moist climate and the light and sandy soil. The yield was not always consumed either by the hogs or the different persons belonging to the estates on which the trees were situated; the popularity of cider induced many landowners to rent their orchards, and a considerable income was secured from this source. Thus in 1697, Mrs. Mary Naylor, of Elizabeth City County, received from Jacob Walker ten pounds sterling for the lease of her fruit trees in that year.[4] Fitzhugh in describing his orchard of twenty-five hundred apple trees, declared that it ought in a few years to bring in an annual sum of fifteen thousand pounds of tobacco.[5]

Glover during his visit to Virginia remarked upon the

[1] Glover in *Philo. Trans. Royal Soc.*, 1676–1678, vols. XI–XII, p. 628.
[2] Beverley's *History of Virginia*, p. 259.
[3] *Letters of William Fitzhugh*, April 22, 1686.
[4] *Records of Elizabeth City County*, vol. 1684–1699, p. 144.
[5] *Letters of William Fitzhugh*, April 22, 1686.

excellence of the figs, which in his opinion were equal to those which were grown in Spain. No English currants were seen by him in the Colony. He informs us that it was now fully admitted that oranges were not adapted to the soil or the climate. The hope that the olive could be cultivated still survived. In 1684, Fitzhugh decided to repeat the trial which had been so often undertaken already, with such a small degree of success, being prompted to the step by the fact that Virginia was in the same latitude as several countries in which this fruit was known to prosper. He instructed Samuel Haywood in England to send him olive plants procured from these lands. No record has been transmitted as to the result of Fitzhugh's experiment, but it is highly probable that, like all the previous ones, it ended in a complete failure.

But little attention was paid to the culture of the grape, the masses of the people being content with the fruit of the wild vines growing in such quantities in every part of the forest.[1] There were not many vines in the gardens of the planters. Few as they were in number, no effort was made to improve them, either by the process of cutting or laying, and this was especially improvident in the light of the fact, which had been long observed, that whenever one of the wild vines was exposed to the full rays of the sun and the free circulation of the air, it brought forth with an abundance that was five or six times in excess of the production of a vine hidden away in the deep shadows of the woods. When forced to trail upon the ground, or when allowed the support of a trellis, and at the same time subjected to the process of slipping, the wild vine exhibited in a few years an extraordinary degree of fecundity. From the native grape, a wine was manufact-

[1] Beverley's *History of Virginia*, p. 260. See Beverley for the details that follow.

ured by some planters, which was described as smaller in body than French claret.[1] Colonel Beverley, a man of inquiring mind, having become much interested in the general question of vintages, to some extent probably from the example set by the Huguenot colonists,[2] planted a small vineyard, and having good reason to anticipate a very fair yield of grapes, boasted among his friends and acquaintances of his expectations. On being bantered for his exaggerated statements, Beverley proposed a bet of one guinea to ten that he would secure a designated number of gallons of wine from his first vintage. He won the wager, and the money which he thus obtained he expended in the enlargement of his vineyards with a view to increasing the production. The quantity of wine he made was so large that he was able to supply his family and slaves with it abundantly, and they used it with a freedom that was only generally customary in Europe. A French traveller[3] who visited Colonel Beverley in the early part of the eighteenth century, and who from his birthplace was doubtless an excellent judge of the quality of wine, was disposed to think from the samples he tasted that his host was not entirely familiar with the proper methods of making it. The defects which he discovered must have been inherent and not, as he supposed, attributable to ignorant management. Jones, who probably lacked the experience of Fontaine, declared that the red wine of Virginia resembled claret in taste and red port in strength. It is an interesting fact that he pointed out the admirable adaptability to grape culture of the country lying in the direction

[1] Glover in *Philo. Trans. Royal Soc.*, 1676–1678, vols. XI-XII, p. 629; Fontaine's *Memoirs of a Huguenot Family*, p. 265.

[2] Beverley's *History of Virginia*, p. 229. The experiment was tried in 1712. See Fontaine's *Memoirs of a Huguenot Family*, p. 265. This was the second Robert Beverley.

[3] Fontaine. See his *Memoirs of a Huguenot Family.*

of the mountains, which in a more recent age has become the seat of wine manufacture in the State, and which in the future may develop into the greatest wine-producing district in the Western Hemisphere, after California.

An account of the agricultural interests of Virginia in the closing decade of the seventeenth century would not be complete without some reference to its live stock at that time. In the course of this important period, there is observed a growing desire among the people of Virginia to improve the breed of their horses. It is remarkable that this feeling had not been exhibited at a still earlier date in the older communities of the Colony, since for fifty years previous to 1686, when the Assembly of Virginia enacted its most carefully considered law for the improvement of the strain of these animals, much interest had been shown in England in the same subject. Before 1660, a number of Arab, Barb, and Turkish stallions had been imported into the mother country for the purpose of producing a fine type of horse, both for the saddle and for the turf, and several standard books on the subject had been written. Charles the Second had bought the four foreign mares which are generally regarded as the beginning of the breed of English thoroughbreds, and his successor had encouraged the introduction of Eastern blood. A number of planters in the Colony, who had emigrated from England after reaching the age of manhood, must have acquired in their early associations a great fondness for the excitement of the turf as well as cultivated a love of the animal for itself. . In the inventory of the live stock of Virginia in 1649, it was stated, as has been seen, that many of the horses and mares to be found there at that time were of excellent blood, and this does not seem to be at all improbable.

The decline in the physical character of the Virginian

breed previous to the law of 1686, was due to the cause which has been touched upon already. It was hardly practicable for the owners to devote much attention to their horses as long as they were compelled to allow them to run at large in the woods, under which circumstances the finest live stock in the world would have rapidly degenerated, not only because there was a promiscuous intercourse among the animals, the basest and purest blood being indiscriminately mingled, but also because the precariousness of subsistence in the forests was calculated in itself to dwarf their size. In this struggle for sufficient food, only the staunchest and most hardy specimens survived. When the law of 1686 was passed, the horses of the Colony, however defective in size, were remarkable for their fleetness and their powers of endurance. The disadvantage attending their smallness in stature seems to have been so great that the House of Burgesses considered it necessary to adopt some measure which would either remove the drawback entirely, or diminish it very materially. It was through the influence of this feeling that the law of 1686 was enacted, which provided that no stallion under thirteen and a half hands in height, and not yet two years old, should be suffered to range at liberty in the woods or in the marshes where they might have access to mares. Loss of the animal was the penalty for the violation of this Act, it becoming the property of the informer, provided the owner did not appear and pay four hundred pounds of tobacco in the course of two months. The law was to be in operation during seven years from the date of its passage.[1] Unfortunately, it was not enforced.[2]

So numerous had the wild horses grown to be at the close of the century that one of the principal sports of the

[1] Hening's *Statutes*, vol. III, p. 85.

[2] Clayton's *Virginia*, p. 35, Force's *Historical Tracts*, vol. III.

young men of the Colony was to hunt them, not infrequently with the assistance of dogs. Saddle horses were trained especially for the purpose of threading the heavy timber of the forests at a high rate of speed. In consequence of the extraordinary fleetness of these wild animals, it was often impossible to catch them, a fine horse being frequently ruined irretrievably by its rider through the exertions which it was spurred on to make. The only result of the chase, in many instances, was the seizure of an old animal, which was found to be too sullen to tame. Owing to the large number of foals born in the woods and remaining unmarked, the hunting of wild horses was not unprofitable, as to the captors belonged those upon which no brand had been placed.[1] One of the provisions of the law of 1691 shows how numerous were the horses running at large in the forests. Under no circumstances previous to that year was the owner of cultivated land suffered, in driving the cattle of his neighbors from his enclosures, to kill them deliberately, notwithstanding that the damage had been frequently repeated by the same animals. According to the terms of the statute of 1691, all horses discovered in the act of depredating upon orchards surrounded by a legal pale, could upon the third offence be shot on the spot, without exposing the person who destroyed them to any form of punishment at the hands of the law.[2]

So widely dispersed were the horses belonging to the same owner that it was often impossible after his death to run them together with a view to their appraisement with his other properties.[3] This occurred in the case of the

[1] Beverley's *History of Virginia*, p. 258.

[2] An instance in which a mare, encroaching upon a cultivated field, was shot, will be found in *Records of York County*, vol. 1690–1694, p. 105, Va. State Library.

[3] *Letters of William Fitzhugh*, April 18, 1687.

Asheton estate in the Northern Neck in 1687, and also in the case of other estates equally as large. It was sometimes the custom of a number of planters to unite in the confinement of their horses to a neck of land, where they were permitted to roam at liberty, only they were periodically driven into a pen, and the special mark of each owner branded upon the foals born to his mares in the interval. In order to prevent any secret encroachments upon the rights of each other, it was generally required that a notice of an intention to drive the herd should be given by the persons interested, at the parish church, two weeks previous to its actual undertaking.[1]

In 1688, Clayton states that the average value of horses in the Colony was five pounds sterling. This amount exceeded rather than fell below the ordinary prices as disclosed in the contemporaneous records of court. There is an instance in Henrico of the sale of an animal of this kind at twelve pounds and eleven shillings,[2] and in Middlesex, at seven pounds.[3] In 1690, a mare, two years old, was valued in York at two pounds and five shillings, and one, four years old, at two pounds and two shillings; some years previous to this, a mare of the same age had been sold in the same county for two pounds and five shillings, a difference so small as to show that these figures represented the general appraisement of such an animal.[4] In 1699, a mare eight years of age was valued in Henrico at four pounds;[5] and about the same

[1] *Records of the General Court*, p. 39.

[2] *Records of Henrico County*, vol. 1682–1701, p. 118, Va. State Library.

[3] See Inventory of Robert Beverley, 1687, on file among the Records of Middlesex County.

[4] *Records of York County*, vol. 1690–1694, p. 8; *Ibid.*, vol. 1684–1687, p. 308. Va. State Library.

[5] *Records of Henrico County*, original vol. 1697–1704, p. 137.

time one nine years old was appraised in York at two pounds and ten shillings, this difference being attributable to some inequality in their relative excellence.[1] From 1688 to 1700, the average value of a coach or saddle horse in England was fifteen pounds sterling,[2] ten pounds sterling more than the value of the same kind of horse in Virginia.

There is no reason to think that horses were at this period in as common use as oxen as draught animals, and this is partially explained by the fact that it was less difficult to obtain food for the latter in winter. There are many indications, however, that horses had a prominent place in the economy of the plantation. Collars, in some cases made of flag, in others of ticking, are frequently entered in the inventory of an estate.[3] Both collars and traces were ordered by planters in Virginia from their English merchants.[4] The cart of the seventeenth century, which was drawn indiscriminately by oxen and horses, was sometimes spoken of as a tumbril.[5] The body appears to have been always manufactured in the Colony, but the wheels were frequently imported from England, their rims being shod with iron. A wheel thus protected was such a valuable article that it was often specifically bequeathed. It was occasionally the subject of a suit. The value of a pair included in an inventory in 1686, was two pounds and five shillings sterling, just five shillings less than that of a similar pair in 1670, a difference possibly due to the condition of the respective wheels.[6]

[1] *Records of York County*, vol. 1690–1694, p. 13, Va. State Library.

[2] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 352.

[3] *Records of Henrico County*, vol. 1688–1697, p. 349, Va. State Library.

[4] *Letters of William Byrd*, July 30, 1688.

[5] *Records of York County*, vol. 1664–1672, p. 466, Va. State Library.

[6] *Records of Henrico County*, original vol. 1697–1704, p. 83; *Records of York County*, vol. 1684–1687, p. 293; *Ibid.*, vol. 1664–1672, p. 446, Va. State Library.

The number of horned cattle running wild in the forests of Virginia in the last years of the seventeenth century was even greater than the number of horses. Bulls and cows as untamed as those which, in the present age, are found on the South American pampas, frequented parts of York County as late as 1685, forming herds which it was difficult to approach on account of their extraordinary acuteness in smelling. These cattle were hunted with guns as if they were elk or deer.[1] So wide were the ranges in which even the domesticated animals wandered, that, in appraising an estate, the number of bulls, cows, and calves belonging to it were rarely ascertained with exactness.[2] For the Northern Neck, which was held under a proprietary title, a ranger general was appointed, whose duty it was, in the person of his under rangers, to seize all the unmarked live stock roaming in that part of the Colony, and to appropriate them in the name of his principal.[3] There was no officer of this kind in the other counties of Virginia. In order to show their ownership in the neat cattle let loose in the forest, it was the custom of the planters to use brands representing various devices. In some cases the one selected was a fleur de luce in the left ear and a half moon in both ears, or a fleur de luce in the left ear and a hole or a swallow fork in the right, or an underkeel in one ear and an overkeel in the other. These marks were recorded in the county courts.[4] The

[1] Clayton's *Virginia*, p. 35, Force's *Historical Tracts*, vol. III; *Records of York County*, vol. 1684–1687, p. 40, Va. State Library.

[2] *Letters of William Fitzhugh*, Aug. 10, 1687.

[3] Commission to Giles Brent to be Ranger General of the Northern Neck. *British State Papers, America and West Indies*, No. 512; *McDonald Papers*, vol. VII., pp. 277–280, Va. State Library.

[4] See *Records of Rappahannock County*, vol. 1664–1673, p. 49, Va. State Library. The cattle marks recorded in Northampton County for one period alone cover thirty-six pages at the end of original vol. 1651–

cow-bell was in general use, but was employed to disclose the whereabouts of the cattle, and not to indicate the ownership.[1] Herdsmen were also not uncommon.[2]

There were few inventories at this time that did not show the presence of neat cattle among the properties which they included, but the number held does not appear to have been very much larger than what has been noted in the case of estates in the decades immediately previous. From the variety of colors distinguishing the horned cattle entered in the appraisements, it would be inferred that there were no distinct breeds in the Colony, the original ones having become by repeated crossings so confused in blood as to represent no separate types except in an extremely modified form. There is proof, however, that the importation of bulls from England was not unknown, and this step must have been taken with a view to improving the physical character of the stock. The neat cattle at this period suffered even more than the horses from the hardships and privations to which they were exposed in the winter, many perishing in the spring, because, having ventured after the young grass in the marshes, they were too weak to extricate themselves from the quagmires into which hunger had led them. The wealthiest planters, from this cause, sometimes lost as many as thirty head apiece. Among the horned cattle a curious habit was observed

1654. See also the last pages of vol. 1654–1655. The records of the other counties contain as many entries, made from time to time.

[1] *Records of Henrico County*, vol. 1677–1692, p. 356, Va. State Library; *Records of York County*, vol. 1690–1694, p. 294, Va. State Library. In the inventory of the store owned by Jonathan Newell, there are entries of twenty-three cow-bells. See *Records of York County*, vol. 1675–1684, p. 140, Va. State Library.

[2] T. M.'s Account of Bacon's Rebellion, p. 8, Force's *Historical Tracts*, vol. I.

as soon as the spring tides began to pour their floods into the rivers and estuaries; an irresistible impulse taking possession of them, they would make for the salt water, travelling twenty and thirty miles to reach it, The planters were so familiar with this habit that they were fully aware where their herds had strayed, and at their leisure sent out slaves and servants to drive them back to their former pastures.[1]

In the course of his sojourn in the Colony, Clayton displayed as much interest in the preservation of the cattle as in the cultivation of tobacco. According to him, the opinion prevailed among a large number of planters that to feed live stock in winter was to prepare the way for their destruction. He sought very earnestly to combat this notion as far as it was entertained by the lady with whom he resided during a part of his stay in Virginia. He urged that wheat should be sown in time for it to reach a fair size before the cold weather set in, in order that it might furnish grazing. He recommended moreover that the tops and blades of the corn-stalks, and also straw, should be laid aside as food for the cattle. No hay was now produced in the Colony as a cultivated crop; when Fitzhugh, in 1680, desired to sow a few bushels of grass seed, he was compelled to export them from England, and his attention was only directed to hay at all by the extreme depression in the price of tobacco.[2] Clayton advised his hostess to raise sanfoin, as the soil was largely composed of sand. The custom of providing no food for the horned cattle was not universal. It is probable that

[1] Clayton's *Virginia*, pp. 12, 26, Force's *Historical Tracts*, vol. III. For the manner in which cattle were cared for in England at this time, see the third chapter of Macaulay's *History of England*. It does not seem to have been more thoughtful in the mother country than it was in the Colony.

[2] *Letters of William Fitzhugh*, July 1, 1680.

the milch cows were fed in winter. Clayton himself declares that some of the planters furnished their live stock with corn in the morning, which he considered to be a mistake, because it made them indisposed to browse upon the trees. Allusions to "foddering" the cattle are not infrequent in the depositions entered in the records of the county courts.[1]

Clayton, writing in 1688, states that at this time the price of a cow and calf was fifty shillings, their size not being taken into consideration in the purchase, and the county records show that he was substantially correct.[2] In 1690, the value of four cows in Elizabeth City County was placed at forty shillings apiece;[3] this was also the value of those owned by John Carter of Lancaster.[4] In the following year a cow, five years of age, was appraised in York at thirty-five shillings. In 1682, three were appraised in Henrico at one hundred and five, or thirty-five apiece. A heifer, three years of age, was valued in the same county at twenty shillings, and a yearling in Elizabeth City at fifteen.[5] In 1698, cows were valued in Middlesex at forty shillings.[6] Bulls were appraised at this time at a uniformly low figure. In Henrico one, which was two years old, was valued at ten shillings, and another, three years old, at twelve. In Elizabeth City, in 1690, the young animal was appraised at twenty. In York, in 1686, a bull, one year of age, was valued at ten shillings, and another, four years of age, at twenty-one. In 1693, in the same county, a bull, probably of the same

[1] *Records of Henrico County*, vol. 1688–1697, p. 485, Va. State Library.

[2] Clayton's *Virginia*, p. 35, Force's *Historical Tracts*, vol. III.

[3] *Records of Elizabeth City County*, vol. 1684–1699, p. 278.

[4] *Records of Lancaster County*, original vol. 1690–1709, p. 33.

[5] *Records of Henrico County*, original vol. 1697–1704, p. 137; *Records of Elizabeth City County*, vol. 1684–1699, p. 278, Va. State Library.

[6] *Records of Middlesex County*, original vol. 1698–1713, pp. 8, 13.

age, was valued at twenty-five. The appraisement in Middlesex ran from twenty to thirty shillings.[1] Steers also were considered to be less valuable than cows. In Henrico, one, four years old, was appraised at thirty shillings, and another, two years old, at ten. There is an instance, however, of a steer, two years of age, being valued at twenty-five shillings. A sucking calf in the same county was appraised at three.[2] These figures show that while cows were the dearest of all neat cattle, yet they were not considered so valuable as horses, a difference to be attributed to the comparative scarcity of the latter animals. The enormous increase in the number of neat cattle in the Colony after 1627, when both cows and oxen were sold for fifteen pounds, was most strikingly shown in the falling off in the average appraisement of cows to two pounds sterling, and of oxen to thirty-five shillings. The sharpest decline began subsequent to the middle of the century.

It was not until 1690 that flocks of sheep became objects of common observation in Virginia; previous to this, a saddle or leg of mutton was thought to be a much finer dish than venison, wild goose, widgeon, or teal.[3] In the last decade of the century the inventories reveal the fact that sheep formed a not unimportant part of many estates. In 1691, among the live stock of Samuel Hollier, of Elizabeth City, were two rams, five wethers, and seventeen ewes; Thomas Price, of this county, in the same year pos-

[1] *Records of Henrico County*, original vol. 1697–1704, p. 137; *Records of Elizabeth City County*, vol. 1684–1699, p. 278, Va. State Library; *Records of York County*, vol. 1684–1687, p. 239; *Ibid.*, vol. 1690–1694, p. 294, Va. State Library; *Records of Middlesex County*, original vol. 1698–1713, p. 125.

[2] *Records of Henrico County*, original vol. 1697–1704, p. 137; *Ibid.*, vol. 1677–1692, pp. 217, 257, Va. State Library.

[3] Clayton's *Virginia*, p. 35, Force's *Historical Tracts*, vol. III.

sessed one ram and thirty-one ewes; Peter Roby, twenty-seven ewes and one ram.[1] In 1689, Mrs. Rowland Jones, of York, owned thirty-six sheep and James Goodwyn thirty-three; three years later Robert Booth, of the same county, owned two rams, four wethers, and thirty-six ewes and lambs.[2] Robert Miller, of Elizabeth City, possessed in the same year eighteen sheep, and Quintillian Gutterick seven.[3] In 1697, John Pleasants, a wealthy planter of Henrico, bequeathed in his will, which was placed on record in his lifetime, a ram and ten ewes to his eldest son, a ram and ten ewes to his second son, and a ram and six ewes to his daughter. In the following year, the Stratton estate is found to include seventeen sheep; Thomas Osborne owned eighteen and Thomas Batte thirty-two.[4]

In Middlesex, Richard Willis possessed twenty-four sheep, Robert Dudley twenty-eight, Corbin Griffin thirty-nine, Robert Beverley fifty-seven, and Ralph Wormeley eighty-six.[5] The estate of John Carter, of Lancaster, included one hundred and ninety-two.[6] William Porteus and Adam Thoroughgood, of Norfolk County, owned forty-one and forty-nine, respectively.[7]

[1] *Records of Elizabeth City County*, vol. 1684–1699, pp. 311, 318, 320, Va. State Library.

[2] *Records of York County*, vol. 1687–1691, pp. 66, 381; *Ibid.*, vol. 1690–1694, p. 180, Va. State Library.

[3] *Records of Elizabeth City County*, vol. 1684–1699, pp. 100, 424, Va. State Library. The sheep belonging to Miller were valued at 8*s.* apiece, the lambs at 5*s.*

[4] *Records of Henrico County*, original vol. 1697–1704, pp. 74, 137; *Ibid.*, vol. 1688–1697, pp. 234, 350.

[5] *Records of Middlesex County*, original vol. 1698–1713, pp. 74, 99, 114, 136; *Beverley Inventory*, on file in the same county, 1687.

[6] *Records of Lancaster County*, original vol. 1690–1709, p. 27.

[7] *Records of Lower Norfolk County*, original vol. 1675–1686, f. p. 224.

The references to this animal in the inventories recorded in the frontier counties are comparatively few, the number there being small on account of the depredations of wolves, which, by ravaging such sheep as the planters possessed, discouraged them from giving much attention to this branch of husbandry. The allowance made in the levies of Henrico County for the payment of prizes granted for the destruction of wolves was an important item of expense as late as 1700. In 1699, the levy for the six months ending with October, showed that the heads of thirty had been presented to the officers of the county for the purpose of securing the reward, which was two hundred pounds for each one if killed with a gun, or three hundred if caught in a trap.[1] The payments in the counties situated in the lower part of the Peninsula indicate that these animals had not disappeared from the forests there. In the public levy for November, 1698, in Elizabeth City County, an appropriation in tobacco was made for two heads that had been brought in. In the following year, nine heads were offered in order to obtain the reward.[2] Wolves do not appear to have been so numerous in York County. In 1685, there was an appropriation of three hundred pounds of tobacco in one of the levies for their destruction. The allowance in 1686 was for two heads, and it was for the same number in 1692. In 1696, the allowance was for five heads.[3]

In Lower Norfolk County, an appropriation was made in a single levy, in 1693, for fourteen wolves' heads; in one of the levies in 1695 for twenty heads; two years

[1] Hening's *Statutes*, vol. III, p. 42.

[2] *Records of Elizabeth City County*, vol. 1684–1699, pp. 193, 194, Va. State Library.

[3] *Records of York County*, vol. 1684–1687, pp. 125, 225; *Ibid.*, vol. 1690–1694, p. 247; *Ibid.*, vol. 1694–1697, p. 328, Va. State Library.

later for nineteen, and in the second levy, in 1699, for thirteen.[1]

It was not due entirely to the attacks of wolves that the flocks of sheep in the Colony were so small. No systematic effort was made to supply them with fodder or litter, or to protect them in winter from the weather; but in this respect the Virginians were only less negligent than the farmers of England. It was not until 1681, that it was discovered in the mother country that these animals could be supported on turnips when driven from the fields by frost and snow, and that ten acres sown in the seed of this vegetable would furnish them a greater abundance of food than an hundred in ordinary pasture.[2] The sheep of the Colony were of middling size, exposure doubtless having the same influence in reducing their proportions as was observed in the case of horses and horned cattle; nevertheless, their wool was pronounced by capable judges from England to have been as fine in quality as the wool of the flocks ranging in the vicinity of Leominster.[3] It is a fact of interest that this commodity was cheaper in Virginia in the seventeenth century than in England. This was due to the small use made of it in the Colony in the manufacture of clothing, as compared with the consumption in this form in the mother country. The average price of wool in the latter did not exceed twelve pence.[4] In 1691, nine and one-half pounds were valued in Elizabeth City County at three shillings and nine

[1] *Records of Lower Norfolk County*, original vol. 1695–1703, f. pp. 9, 112, 169. Panthers were killed in Gloucester County as late as 1688. See Clayton's *Virginia*, p. 37, Force's *Historical Tracts*, vol. III.

[2] Haughton's *Husbandry*, 1681.

[3] Clayton's *Virginia*, p. 35, Force's *Historical Tracts*, vol. III; Hugh Jones' *Present State of Virginia*, p. 41.

[4] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 407.

pence; and thirteen and a half pounds, belonging to the same estate and probably of better quality, at three shillings additional.[1] In 1670, fifty-three pounds of washed wool were appraised in York at four and one-half pence a pound; unwashed wool was in the same year valued at three pence. In 1695, sixty pounds were valued in this county at six pence a pound. Three years later, a pound of washed wool was rated in York at ten pence.[2] In 1692, a pound was entered in Lancaster at five pence, and in Lower Norfolk in 1681 at six.[3] As wool was cheaper in Virginia than in England, it is not surprising to find that a sheep commanded a slightly lower price in the Colony than in the mother country.[4] The average value in all the counties seems to have been eight shillings; even when old they did not sell for less than seven. Lambs were appraised at four and five shillings.[5]

In the last years of the century, the hogs owned by the planters had become so numerous and were allowed to roam so much at liberty, that they were not always included in the appraisement of estates. The proprietorship of a drove was determined by the few which the owner had been able to catch and brand.[6] Sufficient interest was felt in this form of property to cause planters to insist upon the continuation of the law requiring the

[1] *Records of Elizabeth City County*, vol. 1684–1699, pp. 311, 312, Va. State Library.

[2] *Records of York County*, vol. 1664–1672, p. 466; *Ibid.*, vol. 1694–1702, pp. 253, 410, Va. State Library.

[3] *Records of Lancaster County*, original vol. 1690–1709, p. 44; *Records of Lower Norfolk County*, original vol. 1675–1686, f. p. 95.

[4] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 352.

[5] *Records of Lancaster County*, original vol. 1674–1687, p. 129; *Records of Elizabeth City County*, vol. 1684–1699, p. 424, Va. State Library; *Records of Middlesex*, original vol. 1698–1713, p. 110. See also *Beverley Inventory*, 1687, filed among the records of Middlesex County.

[6] Beverley's *History of Virginia*, p. 262.

friendly Indians to use a tribal mark for the hogs belonging to them. The exports of pork as well as of beef were so large, that not only was the size of the barrel prescribed by statute, but public packers were appointed who were heavily fined in case they accepted unwholesome meat, or allowed it to be placed in a receptacle above or below the legal size. The justices of the peace selected marks for the barrels shipped from places in their jurisdiction, and the quantity which each contained was also stamped on its face.[1] A large amount of pork was often sent out by individual planters; thus in 1689, Sebastian Perrin, of Elizabeth City County, exported at one time thirty barrels, which were valued at £21, 5*s.* 9*d.*, or four hundred dollars approximately in modern American currency.[2] Specialties for this kind of meat were unusually common in Norfolk County.[3] The appraisement of hogs in Virginia, as was to be expected, was somewhat lower than in the mother country at this time. In 1690, six yearling shoats were valued in York at four shillings apiece; in England, shoats, six months old, commanded, in 1700, seven shillings and three pence. In Virginia, eight shillings constituted the average price of sows and barrows.[4]

[1] Hening's *Statutes*, vol. III, p. 149.

[2] *Records of Elizabeth City County*, vol. 1684–1699, p. 212, Va. State Library. These shipments were in some instances consigned to the West Indies (*Records of Lower Norfolk County*, original vol. 1686–1695, f. p. 156); in others, to New England. The quantity exported in one case was twenty-two barrels of pickled pork and two barrels of hogs' lard. *Records of Norfolk County*, original vol. 1695–1703, f. p. 102.

[3] The inventory of Robert Hodges, a prominent merchant who lived in this county, shows an indebtedness to his estate of 11,620 pounds of pork. *Records*, original vol. 1675–1686, f. p. 126.

[4] *Records of York County*, vol. 1690–1694, p. 29, Va. State Library; Rogers' *History of Agriculture and Prices in England*, vol. V, p. 342. It should be remembered that figures in money sterling were used to represent simply certain amounts of tobacco, which was the real consideration in the sale of hogs.

CHAPTER VIII

ACQUISITION OF TITLE TO LAND — THE PATENT

The charters of the London Company show that the English King tacitly assumed as positive and absolute a sovereignty over the whole territory of aboriginal Virginia as if it had been a part of his ancestral heritage, a course which has been imitated in the present century by the governments of Europe in the appropriation of equatorial Africa. The right of the Indians to the soil was not recognized, although they had been in possession of the country for immemorial ages; they were not in the beginning protected in the tenure of their ancient seats even to the extent of being regarded as subjects of the Power which had acquired a general title to the country according to the doctrine prevailing at that period, by the mere claim of discovery. So far as the charters of 1606 and 1609 throw any light on the question, the Virginia of the earliest adventurers might have been wholly devoid of inhabitants, a country upon which Nature had lavished many of her most valuable gifts, but which as yet had remained untrodden by the foot of man. In more modern times, while the moral sentiment of the world has not discouraged the forcible appropriation of barbarous lands, this step being regarded as promotive of the highest interests of their populations by bringing them under the improving influences of civilization, nevertheless an assumption by an encroaching nation of the right to dis-

pose of the soil to its own imported subjects, without any compensation to the aboriginal occupants, would be looked upon as a grossly unjust exercise of power.

Those clauses in the charters of 1607 and 1609, which in their practical operation deprived the Indians of Virginia of all interest in the country which had descended to them from their ancestors, did not pass without criticism from Englishmen in that age, who held the same views as to the wrong of stripping the natives of their property without some return, which were afterwards entertained by William Penn. There was an inclination on the part of some members of the Company, in their desire to propitiate this humane sentiment, to spread abroad the report that only those lands of the aborigines would be appropriated which could be spared by them without diminishing their ability to secure a subsistence.[1] The author of *Nova Britannia*, who was seeking to employ every available moral influence to promote the success of the Virginian enterprise, distinctly asserted that the object of the adventurers was not to make the condition of the Indians worse, but simply to instruct them in the arts of civilization, in consideration of which, the English expected to be permitted to enjoy all that the tribes were unable to use themselves.[2] The author of *Good Speed to Virginia* also urged that it was not the intention of the Company to deprive the Indians of their rightful inheritance; there was no necessity for pursuing this course, as they had expressed their willingness to yield to the English settlers as much ground as the latter would require during a long period. It is obvious, however, that the opinion prevailed to a great extent that the

[1] Sermon of Rev. William Crashaw, Brown's *Genesis of the United States*, p. 363.

[2] Nova Britannia, p. 13, Force's *Historical Tracts*, vol. I.

aborigines had no interest in the lands of Virginia, but only a general residence there like the wild beasts of the country.[1] The *True Declaration* doubtless expressed the sentiment of a large number in describing the country as a new Goshen for the English Israel, and in repeating the remark of Plato, that there was no injustice in removing the sword from the hands of a bad man.[2] That this view was entertained by a majority of the members of the Company so far as it involved the appropriation of the soil, is shown by their course as an organization; as long as they remained a corporate body, they resented promptly and even bitterly the slightest admission, either direct or by inference, that the Indians possessed the smallest tittle of property in the ground. They upheld with the utmost firmness their right of absolute disposition under the terms of their charters. The only conveyances from the aborigines allowed to pass without their animadversion, occurred previous to the first step that was taken to distribute the soil in fee simple among the English settlers, and in reality were wholly nominal. In 1609, a large area of country situated in the vicinity of the Falls was at the solicitation of Smith conferred by Powhatan on Captain West and his soldiers, who were stationed at that point, in consideration of a small amount of copper, but the grant was rejected by the latter, the authority of Smith not being acknowledged.[3] This action of Smith in

[1] Good Speed to Virginia, Brown's *Genesis of the United States*, p. 299.

[2] True Declaration of Virginia, p. 7, Force's *Historical Tracts*, vol. III.

[3] *Works of Capt. John Smith*, p. 482. The True Declaration of Virginia, p. 7, Force's *Historical Tracts*, vol. III, has the following: "When Captain Newport was with Powhatan at Wera wa comico, he desired him to come from Jamestown, as a place unwholesome, and to take possession of another whole kingdom which he gave unto him."

recognition of the paramount ownership of the Indian emperor, which was taken as a means of securing the little band of Englishmen from attack, was perhaps never brought to the attention of the Company, or if so, it was done at a time when it was too late to condemn it. In 1615, an unusual scarcity of provisions prevailed in some of the Indian towns, in consequence of which their principal men mortgaged to the English, for four or five hundred bushels of corn, divisions of country as extensive as an English shire.[1] A large body of land at Wyanoke was, in 1617, presented to Sir George Yeardley by Opechancanough, and this gift was confirmed by the Company, probably without any recognition on their part of the original right of the Indian chief.[2] This was their attitude in every similar instance arising after 1619, the year in which the general distribution of the soil among adventurers and planters began. Thus in 1621, Governor Yeardley, proceeding in conformity with general instructions, granted certain lands in the Colony to a Mr. Barkham; but the transfer was made conditional upon the consent of Opechancanough being obtained, this consent, however, to be subsequently ratified by a Quarter Court in England. When Mr. Barkham entered his petition for approval, the Company hotly condemned that part of it relating to Opechancanough as "dishonorable and prejudicial," because tantamount to an admission of sovereignty in that "heathen infidel," who it may be remarked was simply compounding for soil which had belonged to

[1] Rolfe's Virginia in 1616, *Va. Hist. Register*, vol. I, No. III, p. 106. Purchas comments on this fact as follows: "a thing of no small consequence to the conscience when the milde law of Nature, not that violent law of armes, lays the foundation of this possession." *Pilgrimage*, chap. V, sect. IV, p. 946.

[2] *Deed Book of General Court*, No. I, p 82. This reference is given in *Robinson Transcripts*. The Deed Book has been destroyed.

his tribe for a length of time which went back even beyond tradition. Governor Yeardley was doubtless as little inclined as the Company to acknowledge the superior claims of the savage chief, but he had observed the character of the Indians long enough to know that nothing was to be lost by recognition of the ownership of the king of Pamunkey in the tract of land which Mr. Barkham wished to acquire, especially as the people of the Colony were now at peace with this dangerous warrior.[1]

When the charter of the Company was revoked, a much wiser policy was inaugurated with reference to the appropriation of Indian lands, because the colonial authorities were left more at liberty to follow the suggestions of expediency. Jefferson has remarked upon the fact, that a very important part of Tidewater Virginia was acquired, not by conquest, but by the process of lawful exchange. After the administration of affairs had reverted to the King, the occasional wars with the savages, as well as separate instances of outrage on their part, did much to pervert the views of the colonists with regard to the rights of the natives in the soil; but the necessity of retaining the goodwill of the tribes as far as possible and the smallness of the consideration which would secure the largest tract of Indian land, not to refer to the influence of less selfish motives, led the members of the General Assembly from time to time to confirm and protect the aborigines in the possession of their cultivated fields and hunting grounds.

The larger proportion of the Peninsula, the seat of the earliest English settlements, was acquired at first by conquest, but right of possession was afterwards confirmed by treaty. Thirty-nine years after the foundation of

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 6.

Jamestown, in a conference between Necotowance, the new Indian ruler, and representatives of the colonial government, the former, in the name of his people, agreed to abandon all that area of country which extended between the James and York from a line drawn from the falls of the Powhatan to the falls of the modern Pamunkey. No attempt was to be made to disturb their tenure of the region lying between the York and Rappahannock. If any one of the colonists visited the north side of the former stream without having been driven across by stress of weather, or having gone thither for the purpose of gathering sedge, or cutting timber, he was to be considered a felon and punished as such. Necotowance was required to acknowledge that he held his kingdom under the authority of the sovereign of England.[1]

Two years later, the statute declaring it to be a felony in all who sought to establish themselves on the north side of the modern York was repealed. It was now pronounced entirely lawful to make a settlement even on the north side of the Rappahannock.[2] The agreement with the Indians had broken down, the reason given for the infraction of the treaty being that the lands owned by a large proportion of the planters in the country between the York and the James had become incapable of producing good crops of tobacco, and it was, therefore, necessary to grant them the right to remove to parts of the Colony where the soil was still in its virgin condition.[3]

In 1653, the Assembly adopted regulations which assured to the Pamunkey and Chickahominy Indians the fullest protection against all intrusions on their grounds. The right was now given to some of the tribes to dispose of their lands by bargain and sale, provided that the Governor and Council had, after an examination, expressed

[1] Hening's *Statutes*, vol. I, p. 323. [2] *Ibid.*, p. 354. [3] *Ibid.*, p. 353.

their approval of the conveyance. This privilege was allowed to the Indians of Northampton in 1654, the consent of a majority of the town being taken as voicing the sentiment of the whole population.[1] So strong was the inclination of the tribes to sell their lands when they were permitted to give a legal title, that in 1656 the Assembly interposed, being prompted to this step by the constant necessity of having to assign them new soil in order to prevent the restlessness and dissatisfaction which would have ensued among them if they had been in possession of no area of country acknowledged to be their own. It was still lawful for them to transfer their lands if they had first obtained the consent of the Assembly, but this consent, it is evident, was not at this time very readily given.[2]

The disposition of the English settlers to take possession of the grounds of the Indians, either by forcible entry or by fraudulent devices, had been carried so far by 1658, that the authorities again grew apprehensive lest if this should be permitted to continue without restraint, the tribes inhabiting the country adjacent to the plantations, deprived of all means of earning a subsistence either in planting or by the chase, would become discontented, and so be led into enterprises that might result in great loss of life and property to the whites. The Assembly de-

[1] Hening's *Statutes*, vol. I, p. 391. The deeds of the Indians were placed on record like ordinary conveyances. An example will be found in the *Records of Northampton County*, original vol. 1657–1666, May 6, 1662.

[2] Hening's *Statutes*, vol. I, p. 396. It was, however, remarkable that the Assembly not infrequently gave their consent to the conveyance of Indian lands for what appears to have been a very small consideration. Thus, in 1662, the king of Mattapony sold his town and five thousand acres to the colonists for fifty match coats. See *Records of Rappahannock County*, original vol. 1656–1664, p. 249.

clared that injustice in dealing with the aborigines in relation to their lands had never been the policy of the colonial authorities; that, on the contrary, these authorities had always been moved by a desire to protect them in their rights. The Assembly, in consequence, provided that no one should be suffered to establish himself on the soil of the Indians without the consent of the Governor and Council, or of the commissioners of the place where it was sought to make an entrance. These latter authorities were held strictly accountable for any permission of this character which they granted. All sales of Indian lands were to be consummated only at Quarter Courts, a greater publicity in the transfer being thus assured, and the opportunity for fraudulent action being diminished. The anxiety of the Assembly to avoid every reason for conflict with the Indians was shown in their order, that all the English who had taken up their residence on the north side of the Pamunkey River in the vicinity of the Chickahominy and Pamunkey tribes, should abandon their estates and return within the old line of settlements.[1] Where a tribe disclosed an unmistakable purpose to withdraw from ground occupied by them, and in doing so, to convey it to individual planters, no opposition was to be offered, especially if the grantees were men of prominence and influence. This was true of Governor Samuel Mathews, who, in 1659, became the owner of the soil which the Wicocomico Indians possessed in Northumberland County. In deserting their lands they expressed a wish to surrender them to him.[2]

An attempt was now made to reduce the Indian holdings within a definite limit, it being provided that no outlying ground should be conveyed to any white person until the aborigines had been allowed a proportion of fifty

[1] Hening's *Statutes*, vol. I, p. 468. [2] *Ibid.*, p. 515.

acres for each bowman; and in case the land of any Indian or Indians was included in a patent which had been obtained by a white settler, the latter, if unable or unwilling to purchase the area encroached upon, was to be required to deliver it to its Indian owner.[1] On account quite probably of the fact that the narrow extent of the Eastern Shore placed the tribe inhabiting that part of the Colony more at the mercy of unscrupulous white persons who were anxious to intrude on their hunting grounds, the Assembly exhibited at every period in the seventeenth century unusual care in furnishing them the protection they needed so much. In 1660, the Indians of Accomac complained that they had been deprived of their lands to such an extent that they were now in a straitened condition, and they asked that proper measures be adopted to raise a barrier against the further advance of the English upon their property. The action of the authorities in response to this petition was highly significant. They were not content that the grounds should be laid off for the Accomac tribe by a surveyor of the Eastern Shore. Thinking that such a surveyor might perform the work to the prejudice of the aborigines, instructions were given that the services of a resident of the Western Shore should be obtained, who would have no motive in determining the lands, beyond a desire to execute the task conscientiously. The extent of country to be assigned was to be sufficient to afford the Indians an ample subsistence without regard to what they could earn by hunting and fishing, and they should have no power to alienate it.[2]

A striking proof of the disposition of the Assembly to show the utmost favor to the Indians, in all their transactions with the whites in relation to the soil, is to be

[1] Hening's *Statutes*, vol. I, p. 456. [2] *Ibid.*, vol. II, pp. 13, 14.

found in a regulation adopted in 1660 with reference to the record of the acknowledgment given by the Wicocomico tribe to Governor Mathews in conveying to him the land in Northumberland, which, as has been seen, they proposed to abandon. This acknowledgment did not disclose upon its face that there was a valuable consideration for the transfer of the property. The grantee himself was now dead, but the guardians of his heir were directed by the Assembly to tender to these Indians the equivalent in value of fifty pounds sterling. If this was rejected, then the rights acquired by Mathews under his original conveyance and transmitted to his heir, were to remain in abeyance until the tribe of their own motion deserted the lands. No step was to be permitted tending to coerce them in their action, and the Governor and Council were to decide as to whether the merchandise ordered to be offered had been accepted or refused. Still more scrupulous care was displayed by the Assembly in the instance of an Indian grant to Colonel Fauntleroy of Rappahannock; no evidence being offered to prove that it was made for a sufficient consideration, he was commanded to cover the deficiency by an additional recompense, the amount of which was carefully prescribed.[1]

The regulation adopted for the protection of the Indians of Accomac denying them the right to alienate their lands, was not extended in its scope to the aborigines in the older parts of the Colony. In 1661, the privilege was granted to the Chickahominy tribe to dispose of their grounds to the English, provided that each sale received the approval of a majority of their great men, which was to be announced in a Quarter Court or the Assembly.[2] How far mere apprehension entered into these equitable regulations is revealed in an Act, passed in 1661, with

[1] Hening's *Statutes*, vol. II, pp. 14, 36. [2] *Ibid.*, p. 34.

reference to the Cheskiack Indians, which may be quoted in full: "Considering the use and benefit the country may enjoy from the Cheskoiack Indians being kindly used by us, and being sensible that with the few guns they have amongst them, they cannot prejudice us, being a small, inconsiderable nation, it is ordered, to show other Indians how kind we are to such as are obedient to our laws, that the said Cheskoiack Indians quietly hold and enjoy land they are now seated on and have the free use of guns they now have."[1]

There are many indications of the justness of the ground on which this apprehension was founded. In 1662, it was stated in an Act of Assembly that the chief cause of all the friction in the relations of the English and Indians arose from the encroachment of the former upon the lands of the latter. The aborigines in retaliation were induced to kill the cattle of the settlers, exasperating them to such a degree that they were ready at any moment to fall upon the depredators. The Assembly acknowledged that the provision requiring all grants of Indian lands to be submitted to itself or the General Court for approval had not accomplished fully the purpose intended, as every device was employed by designing men to obtain the consent of the Indian owners to proclaim in this public manner their desire to part with their grounds. It was now considered to be necessary to apply to all the tribes the regulation which had been put in practice with respect to the aboriginal inhabitants of Accomac. All alienations of soil by them were declared to be without validity. Commissioners were also appointed to view annually the boundary lines between the plantations and the Indian territories, and to prevent any intrusion upon the latter.[2] These provisions were steadily maintained

[1] Hening's *Statutes*, vol. II, p. 39. [2] *Ibid.*, pp. 138–143.

until war with the Indians broke out in 1676; in that year, as a means of prosecuting hostilities, it was decided that all the land assigned to the tribes under previous Acts, which had been given up by them, and that all lands they now occupied but which they should hereafter desert, should be appropriated and sold for the benefit of the public.[1] Previous to this, when the Indians were shown to have abandoned ground laid off by public authority, it was the custom of the General Court, upon the most positive evidence to that effect, to suffer private persons to obtain patents to this soil, just as if it had been in the limits of the older settlements.[2] How strictly the regulation was enforced when the aborigines were still in possession of their lands, was revealed, in 1674, in the stern injunction to the colonists who had seated themselves in the territory of the Nottoways to withdraw, and also in the general instructions to surveyors not to lay off the lines of new grants in the boundaries of that territory.[3] The same means were employed in Virginia in the seventeenth century to evade the law prohibiting the alienation of Indian lands, as have been used in the present age on the reservations in the West, namely, the securing of a nominal lease from the aboriginal proprietors; the General Court was always quick to condemn such arrangements, and to deny their validity unless they were clearly to the advantage of the Indians.[4]

As time passed on, the Indian population gradually diminished, and great tracts in this way became deserted without any removal on the part of the aboriginal owners beyond what death had brought about. In 1685, for in-

[1] Hening's *Statutes*, vol. II, p. 352.
[2] *Records of the General Court*, p. 207.
[3] *Ibid.*, p. 172.
[4] *Ibid.*, pp. 178–188.

stance, it was stated in an appeal of the Burgesses to Lord Howard that when the region of country on the Blackwater was assigned to the tribes residing in that part of Virginia, the number of individuals composing them was very large, but that the tribes were now extinct. The nearest Indians were the Wyanokes and Nansemunds, who would have been pleased to see the colonists establish themselves on their lands, since this would have constituted a barrier against the attacks of their enemies from the South. Howard refused to yield to the wishes of the Burgesses because in conflict with the existing agreement between the Indians and the colonial government.[1] In 1688, a few years later, the tribes residing in Pamunkey Neck and on the south side of Blackwater River, offered a petition to the Assembly, in which they urged that all the lands in their vicinity they were unable to use should be granted to the English, not only as a means of protection to the petitioners, but also as a relief to them in their indigent condition.[2] The reservations with one exception finally disappeared. The Indian habits of life, inherited from remote ancestors, could not be changed even by contact with the civilization of the English. Every year saw a further abridgment in the extent of the soil which was still in their possession. The aborigines have now dwindled to a few half-breeds, who own only a few rods in that great area of country which was once the seat of the powerful confederacy of Powhatan, and the exclusive property of their forefathers.[3]

[1] *British State Papers, Colonial; McDonald Papers*, vol. VII, pp. 350–352, Va. State Library.

[2] *McDonald Papers*, vol. VII, pp. 157, 158, Va. State Library.

[3] An interesting account of the present condition of the surviving Indians of Virginia will be found in J. Garland Pollard's *Pamunkey Indians of Virginia*, Smithsonian Institution Publications, Washington,

During the existence of the Company, the ability to convey an interest in any portion of the soil of Virginia, that soil having been granted to the Company in free and common socage, resided under the charter of 1606 in the Council, and under the charter of 1609 in the Treasurer, Council, and general association of adventurers in England, and they could at their discretion prescribe not only the area to be included in each conveyance, but also the conditions to which the title should be subject in passing. The Company could delegate to the Governor and Council in the Colony the right to transfer land either in a single instance or in a series of instances, but at any time it could withdraw this right, if circumstances seemed to demand it. The delegation could only be made by the Company when it had come together in a Quarter Court, an occasion when the whole membership was either in attendance or fully represented, and when all matters affecting the welfare of the organization, which required the most thoughtful consideration, were presented for final judgment. The action of the Governor and Council in Virginia when they conveyed land in accord with the power thus formally and solemnly granted to them, was

D.C., 1894. There are records of several instances after 1650, in which estates in fee simple were held by Indians who resided in the midst of the English settlements. These Indian landowners were doubtless as thoroughly identified in all of their interests with the English colonists as if they belonged to the same race. The following is taken from the *Records of Rappahannock County:* "Whereas I, Edward Stockholder, being now designed upon an expedition with the English against my countrymen, the Indians, do make my last will." He then proceeds to bequeath to his wife his plantation of one hundred and fifty acres, which was situated in the freshes of Rappahannock River. *Records of Rappahannock County*, vol. 1677–1682, p. 100, Va. State Library. In a deed from Captain Henry Fleet to Malachi Peale, p. 278, in vol. 1680–1688, of the same records (Va. State Library), there is a reference to "Indian Ned's Land."

expressly stated to be purely ministerial.[1] They were mere agents and attorneys of the parent body, without even the right to discriminate except so far as they were allowed to do so by the explicit terms of the instructions which they had received. Apprehensive that the authorities of the Colony might find some loophole for the commission of fraud even when they were carrying out a command which minutely prescribed the course to be pursued, a fraud which would diminish the revenues of the adventurers in England and indirectly increase the cost of the enterprise, the Company was careful to establish the regulation that no grant by the Governor and Council should be absolute and exclusive, although the deed bore the impression of the corporate seal and acknowledged that the original right of conveyance resided in the Company, which had been delegated for the reasons set down, until the document had been forwarded to London, and had been examined, approved, and ratified at a Quarter Court.[2]

[1] The earliest patents recorded in the Patent Books in the Office of the Register in Richmond, Va., which begin about 1623, state that the Governor and Council who make the grants derived their authority from the Orders and Laws passed in the Quarter Court which met Nov. 18, 1618. See *Virginia Land Patents*, vol. 1623–1643, p. 1. The following was the first general clause: "To all . . . know that I, Sir George Yeardley, . . . by virtue of the great charter of Orders and Laws agreed on by the Treasurer, Council and Company of adventurers and planters for the first Southern Colony of Virginia according to the authority granted them by his Majesty under the great seal, and by them dated at London, 18th day of November, 1618, and directed to myself and the Council there resident, doe, with the approbation . . . of the Council who are joyned in commission with me, give and grant," etc. This form was used by Yeardley in 1620. See *Virginia Land Patents*, vol. 1623–1643, p. 476. See also *Virginia Magazine of History and Biography*, vol. II, p. 219, for a copy of a second deed. The Company's delegation to Yeardley of the right to grant patents will be found in his instructions, printed in the same volume, pp. 154–165.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 6.

These were extraordinary precautions. They were probably justified by the circumstances to be met, but it is obvious that so cumbrous and dilatory a system of transferring a title to land could only have continued during the infancy of the Colony. Growth of population, which called for ever-increasing facilities in the rapid acquisition of an interest in the soil, would have broken it down even if the letters patent of the adventurers had not been recalled.

When the Company made a grant of land in Virginia, the indenture came up first for examination in a special committee that owed its existence to a standing rule. If there were palpable reasons for throwing it out, this was done, but if no objection could be advanced against it, from any point of view, it was endorsed as approved and laid aside for ratification at the next succeeding Quarter Court. If not rejected at this general meeting of the adventurers, it was forwarded to the Governor and Council in the Colony. The counterpart of the patent bearing the seal and signature of the grantee was preserved in the great chest in which all the evidences and muniments of title belonging to the corporation were carefully guarded. There were several distinct grounds upon which a grant of land was made by that body. The first was the purchase of a bill of adventure,[1] the price of which was set at

[1] The following is a copy of the bill of adventure: "Whereas —— paid in ready money to Sir Thomas Smythe, Knight, treasurer for Virginia, the sume of —— adventure towards the said voyages. It is agreed that for the sume —— the said —— shall have ratably according to —— adventures —— full part of all such lands, tenements and hereditaments as shall from time to time be there recovered, planted and inhabited, And of all such mines and minerals of gold, silver and other metalls or treasure, pearls, precious stones or any other kind of wares or merchandize commodities or proffitts whatsoever which shall be obtained or gotten in the said voyage according to the porcion of money by —— employed to that use in as ample manner as any other adventurer thereon shall receive for the summe." See Brown's *Genesis of the United States*, p. 471. The bill of

twelve pounds and ten shillings. The early shareholders subscribed with the understanding that they were to receive a certain proportion of the profits of the joint stock, and of the lands when the time for distribution arrived. It was intended originally that this should be in 1616, when it was anticipated that the population would have increased and the settlements have been extended very much.[1] The first division was to apply only to the soil in the valley of the Powhatan, and in the vicinity of the recently established towns.[2] Commissioners were to be dispatched to the Colony with instructions to make a survey, which was to be the basis of a map showing the allotments of every shareholder who had given in his name previous to the departure of these officers from England, and new adventurers were to be permitted to enjoy the same privilege as the old in having an interest in the dividends.[3] Each portion of land thus set apart was to be transferred as an estate of inheritance. The holder of a single share was to be entitled to one hundred acres in the first division of the soil and one hundred acres additional in the second division, when he had seated the first plantation.[4] The arbitrary conduct of Argoll, whose

adventure was frequently introduced into the patent. See *Virginia Land Patents*, vol. 1623–1643, p. 117.

[1] Nova Britannia, pp. 23–24, Force's *Historical Tracts*, vol. I; A Brief Declaration, Brown's *Genesis of the United States*, p. 777.

[2] A Brief Declaration, Brown's *Genesis of the United States*, p. 778.

[3] *Ibid.*, p. 779.

[4] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 153. It is interesting to observe that it was proposed at first that the first allotment on a single share should be only fifty acres of land. See A Brief Declaration, Brown's *Genesis of the United States*, p. 777. The acquisition of one hundred acres by the purchase of a share was by the Lawes and Constitutions of 1619–1620 restricted to the "old adventurers, that is, to such as heretofore have brought in their money to the Treasurer for their Severall Shares." See p. 21 of Lawes, etc., Force's *Historical Tracts*, vol. III.

administration of the affairs of the Colony began in 1617, interfered, as we have seen, with the general distribution of the lands in fee simple at the time it had been designed to carry that measure into effect,[1] and it was not until 1619, upon the assumption of control by Yeardley, that the subdivision of the soil into separate holdings took place to the degree intended in the beginning. The immediate authority upon which this subdivision was made was an order passed at a Quarter Court, on the 18th of November, 1618, and directed to the Governor and Council in Virginia; the shareholder was by it exempted from the payment of quit-rents, a privilege granted to all who should receive their bills of adventure previous to the midsummer of 1625.[2] The acquisition of less than fifty shares by purchase from an old or new adventurer did not transfer to a subsequent holder all the advantages and immunities enjoyed by the first owner; the privilege of paying no quit-rents was under these circumstances restricted for every bill of the old adventure to a proportion of four persons who had been brought over previous to 1625.[3] It would seem that about one third of the persons who purchased shares in the Company disposed of them to others, about one-third emigrated to Virginia and established themselves on the estates which they had acquired, and about one-third dispatched their representatives to

[1] There had been issued, as I have already pointed out, a number of patents previous to 1619. The expression "general" is used advisedly. See *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 15.

[2] See Instructions to Yeardley, *Virginia Magazine of History and Biography*, vol. II, p. 164, for the authority for subdividing the lands of the Colony. For rents, see Laws and Constitutions, p. 21, Force's *Historical Tracts*, vol. III. The exemption from quit-rents was not to apply to persons who previous to 1625 should acquire fifty acres in the Colony by "transporting themselves or others into Virginia at their own charges," p. 22.

[3] Laws and Constitutions, p. 23, Force's *Historical Tracts*, vol. III.

make a settlement in their stead.[1] In many instances, claims to land in the Colony based on a purchase of shares in the Company were declared valid after the Company itself had been dissolved. Thus Thomas Graies, who had subscribed to the extent of twenty-five pounds sterling, did not secure a patent to his dividend until 1628,[2] and it was not until 1636 that Captain John Hobson received a patent upon a bill of adventure bearing the date of 1621.[3] It happened also that under the same circumstances a son was granted a tract that had been due to his deceased father on his holding of shares.[4]

A magnified form of the dividend of the individual shareholder was to be found in the subpatents obtained by private societies. The earliest were those known as Martin's and Smith's Hundreds. Certain associations of persons were allowed to engross enormous bodies of land in Virginia by purchasing many shares in the original Company, which carried with them the same privileges and the same obligations as those accompanying the purchase of a single share.[5] Thus, if one of these associations acquired twenty thousand acres in the Colony by the purchase of two hundred shares of stock, its members were entitled to twenty thousand acres in addition as soon as they had seated the first twenty thousand.[6] The history

[1] This is the calculation of Mr. Brown in the *Genesis of the United States;* see p. 549.

[2] *Virginia Land Patents*, vol. 1623-1643, p. 72.

[3] *Ibid.*, p. 414. [4] *Ibid.*, pp. 390–391.

[5] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 143.

[6] The subpatentees also acquired at first special powers. At a general quarterly meeting, held Feb. 2, 1619 (O. S.), at the house of Sir Edwin Sandys, "it was ordered allso by generall consent that such captaines or leaders of particular plantacions that shall goe there to inhabit by virtue of their graunts and plant themselves their tenants and servants in Virginia, shall have liberty till a forme of government be there settled them,

of all these societies, however, shows that this condition was not fulfilled in the measure required. The expectation of the Company was that the adventurers in these private associations would transport themselves, families, servants, and tenants to Virginia, and would employ their means in developing their properties. In many cases, this was done, but the result was disappointing. This was inevitable. It is significant that these great subpatents were, with two exceptions, not granted until as late as 1618, when, in consequence of misgovernment, the Colony had been very much reduced in strength and the treasury almost entirely depleted. In this depressed condition of affairs, a number of gentlemen of fortune, who were anxious for the prosperity of Virginia, came forward and offered to establish societies and by their means erect particular plantations.[1] In 1620 alone, five patents were granted to associations of this character. If the majority of the members of the parent body could have followed their own wishes, it is highly probable that they would never have consented to these grants, not only because it led to the abandonment of a large part of the work of their own corporation to private associations, but also because it transferred their privileges and immunities over the territory conveyed. The Company was careful

associating unto them divers of the gravest and discreetest of their companies, to make orders, ordinances and constitutions for the better orderinge and dyrectinge of their servants and business, provided they be not repugnant to the Lawes of England." Neill's *Virginia Company of London*, p. 129. For the dispute which arose in the Assembly of 1619, with reference to the powers and rights of Captain Martin under the subpatent of Martin's Hundred, see *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 19. Martin claimed that he was to enjoy his lands "in as large and ample manner to all intents and purposes as any lord of a manor in England."

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 64.

to announce that it would be illegal for those designated as beneficiaries in a subpatent to unite of their own motion with them in the rights accompanying it, persons whose names did not appear in the document, unless the consent of the Company had first been obtained. If particular persons with their dependents should remove to Virginia, and, although not members of that body, justify their title to the lands occupied by them in the Colony by their combination with certain subpatentees, they were to be set down as mere tenants who were to be required to pay one-fourth of the annual profits of the ground which they had brought under cultivation.[1] After the dissolution of the Company, these private societies, which do not appear to have been at any time very prosperous, either quickly or gradually broke down. The lands belonging to some were transferred by patents with little regard to their original ownership. In order to confirm the persons who had obtained these patents in their tenure of the soil granted to them, special instructions were given in 1639 and 1641 by the English Government, which conferred upon the colonial authorities the power to assign a proportionate area of land to these associations elsewhere, in case they laid claim to the tracts conveyed.[2] The adventurers interested in Southampton Hundred seated in its boundaries at least three hundred persons, and expended in its improvement six thousand pounds sterling.[3] There

[1] Instructions to Yeardley, 1618, *Virginia Magazine of History and Biography*, vol. II, pp. 161, 162.

[2] Instructions to Sir Francis Wyatt, *Colonial Entry Book*, vol. LXXIX, pp. 219–236; *Sainsbury Abstracts for 1639*, p. 47, Va. State Library. The same instructions were given to Berkeley in 1641, *Virginia Magazine of History and Biography*, vol. II, p. 281; also *McDonald Papers*, vol. I, p. 383, Va. State Library.

[3] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 65; *Sainsbury Abstracts for 1619*, p. 23; *Ibid. for 1635*, p. 132, Va. State Library.

were two hundred thousand acres in this patent. In 1627, the Secretary of the Colony was directed by the General Court to draw up, for its information, a list of all the properties in the limits of this Hundred, including a statement of the amount of the rents paid by tenants in occupation of the lands and houses, and a similar report was to be made at every quarter and entered on record. The members of the Society residing in England were to be informed of this regulation.[1] In spite of this care for the preservation of their interests, the property of these planters melted away to such a degree that they acknowledged in court, in 1635, that all was gone but the stock of cattle then in dispute.[2] Martin's Hundred covered an area of eighty thousand acres, and yet it was only settled in part; after the fall of the Company, not many years passed before the whole of this area was in the possession of private individuals. In 1636, William Tucker and others obtained a patent to eight thousand acres in Barclay Hundred, to which they had acquired title by a deed of sale from the adventurers of that association.

The second ground on which a grant of land was made was the performance of meritorious service. Among those who, during the administration of the Company, were included in the class of persons deserving of this form of reward, were ministers of the Church, officers of State and justice, physicians, and others who had commended themselves by highly useful actions in the Colony to favorable consideration.[3] In the commission which

[1] General Court Orders, Feb. 11, 1627, *Robinson Transcripts*, pp. 72, 73.

[2] *British State Papers, Colonial*, vol. VIII, No. 76; *Sainsbury Abstracts for 1635*, p. 132, Va. State Library.

[3] New Britain, Brown's *Genesis of the United States*, p. 273. This document is a translation of a Spanish version of the Nova Britannia which will be found in its original form in Force's *Historical Tracts*.

Delaware received on his appointment to the Governorship of Virginia in 1610, there was conferred on him the power to recompense, by bills of adventure for land, all persons who appeared to him to be entitled to some special recognition.[1] In 1619, Captain Newport received from the Company a bill of adventure which was equal in value to thirty-six shares, and after his death thirty-five shares additional were presented to his widow.[2] In return for the services and sacrifices of Sir Thomas Dale in advancing the welfare of the Colony, he was allowed the proportion of seven hundred pounds sterling in the distribution of lands.[3] This generosity was not restricted to officers occupying the most conspicuous positions; in 1622, two shares were granted to the captain of the *Royal James* in acknowledgment of the important assistance which he and his crew had given towards the promotion of the interests of Virginia.[4] During the existence of the Company, in order to prevent the abuse of this privilege, it was provided that all shares for merit alone should have such limitations as would restrict their sale or transfer, notwithstanding that a full consideration was offered, unless the committee appointed to supervise the substitution of holders should give their consent after a careful examination of all the circumstances.[5] The right of conferring an interest in the soil of the Colony, as a reward for special services performed by individuals, remained in force after the Company had been driven

[1] Brown's *Genesis of the United States*, p. 381.

[2] *Ibid.*, p. 958.

[3] See Patent for his Personal Service in Brown's *Genesis of the United States*, pp. 453, 454.

[4] Minutes of Company; see Neill's *Virginia Company of London*, p. 314.

[5] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 121.

to surrender its charter. In 1638, Wyatt was instructed to grant patents of land to every person who by merit was entitled to it under the operation of the provisions adopted for application to such instances.[1] Ten years later, Charles the Second presented a favorite servant with two thousand acres.[2] The most ordinary ground upon which these patents were now based was the performance of important services on the frontiers. A special order of court was passed in 1630 with reference to a certain area of country adjacent to the territory of the king of Pamunkey, who at that time was looked upon as a dangerous enemy of the colonists, by the terms of which an extensive tract was granted to every commander, and fifty acres to every other person, who would establish themselves there for the purpose of forming a barrier to the further intrusion of the Indians. Twenty-five acres were to be allowed to all who in the course of the second year removed thither. Among those who took advantage of this order of court was John Chew, who in 1636 obtained a patent to five hundred acres there for the adventure of himself and nine companions.[3] In 1653, the Assembly offered a fee simple title in ten thousand acres to any association of persons who would seat themselves

[1] *Colonial Entry Book*, vol. LXXIX, pp. 219–236; *Sainsbury Abstracts for 1638–1639*, p. 46, Va. State Library.

[2] This was only a short time before the battle of Worcester, and it is hardly probable that this servant, who was named Thomas Freeman, derived any benefit from the gift. In 1660, a petition was offered to Governor Berkeley praying that the heirs of Freeman might receive a grant of the two thousand acres without making a formal entry. See Palmer's *Calendar of Virginia State Papers*, vol. I, p. 6. Charles II, while in Perth, Scotland, in 1650, presented one of his pages, Edward Prodger, with the same area of ground in Virginia, but there is no information as to whether he or his heirs ever came into actual possession of it. *William and Mary College Quarterly* for April, 1893, p. 197.

[3] *Virginia Land Patents*, vol. 1623–1643, p. 370.

in the valley of the Roanoke or Moratock River, after selecting a secure position and providing an abundant supply of ammunition.[1] In 1646, Fort Henry on the Appomattox with six hundred acres attached was granted to Captain Abraham Wood, Fort James on the Chickahominy with four hundred acres to Thomas Rolfe, and Fort Royal with six hundred acres to Captain Roger Marshall, in return for which each was to maintain a band of rangers for the defence of these fortified posts.[2]

In the beginning, the performance of manual services was hardly a less common means of acquiring an estate in Virginia than the performance of religious or administrative services. Every man who became a tenant or servant of the Company previous to the return of Sir Thomas Dale was allowed, at the expiration of the term for which he had bound himself, a patent to one hundred acres of land, and this was perhaps enlarged to two hundred if the owner erected a house upon the second hundred acres in the course of three years. The tenant or servant, by settling in Virginia and there for a certain length of time devoting his physical powers to the cultivation of the lands of the Company, was looked upon as having placed himself upon the footing of the shareholder who had invested twelve pounds and ten shillings in its stock, and he was, therefore, on the expiration of the time prescribed in his covenants, entitled to the same extent of soil, with probably the right to the same additional area upon the performance of the conditions applying to an ordinary shareholder.[3]

[1] Hening's *Statutes*, vol. I, p. 381.

[2] *Ibid.*, pp. 326, 327.

[3] Instructions to Yeardley, 1618, *Virginia Magazine of History and Biography*, vol. II, p. 157. It is not stated in the instructions, in so many words, that these "ancient" servants of the Company were entitled, upon the performance of the usual conditions, to an augmenta-

The orders and constitutions of 1618 granted one hundred acres of land to every planter who at his own cost had come into the Colony previous to or in the course of Dale's administration; the privilege accruing under this provision was in many cases claimed as late as 1635, either by the planter himself, who, for some reason had failed to take advantage of it hitherto, or by his descendant.[1] The personal adventurer could also be a shareholder, and thus obtain an additional proportion of land.

The third ground on which a patent was granted was the head right. The head right was in operation in 1618,[2] growing more and more important each successive year until it became the principal basis for title. Every shareholder who transported an emigrant, whether free or bond, to the Colony, acquired thereby a claim to fifty acres if the person remained in Virginia for a period of three years, or even if he had died after he was taken on board ship on the outward voyage. The shareholder secured an additional tract of fifty acres in the second distribution of lands upon the strength of the transportation of this person.[3]

An attempt was made at one time by some of the shareholders to establish the rule that the cost of transporting all emigrants forwarded by them to Virginia, but lost on the way, should be assumed by the Company without

tion of their holdings, but if the analogy of persons who had come over at their own cost previous to the departure of Dale was followed, they were so entitled. See p. 156.

[1] Instances are given in *Virginia Land Patents*, vol. 1623–1643, pp. 230, 304. In the preambles of these patents, the claims are based upon "the charter of orders from the Late Treasurer and Company bearing date Nov. 18, 1618." See Instructions to Yeardley, 1618, *Virginia Magazine of History and Biography*, vol. II, pp. 156, 157.

[2] Instructions to Yeardley, 1618, *Virginia Magazine of History and Biography*, vol. II, p. 157.

[3] Orders and Constitutions, 1619, 1620, p. 21, Force's *Historical Tracts*, vol. III.

regard to the amount of their shares, this cost to be made good not by the actual payment of money, but by a grant of land under the liberal terms allowed by the corporation to its members. Thus if an adventurer purchased one share, which entitled him to one hundred acres on the first division, and when he had seated them to an additional hundred acres on the second division, if after securing the patent to the first one hundred acres he dispatched twenty persons to Virginia, and these persons were drowned at sea or died of pestilence on shipboard, it was claimed by some that the transportation of the twenty entitled the shareholder, if an old adventurer, not only to one thousand acres upon the first division and one thousand acres more upon the second, but also to an area of land sufficient to recoup him for the loss resulting from the destruction of the twenty emigrants, this area to be measured by the ratio governing the allotment under the law relating to the head right. To have acknowledged the justice of such a claim would have led to the partial defeat of the object which the Company had most at heart, that object being to make the increase of population in Virginia maintain an equal progress with the acquisition of private ownership in the soil. The claim was brushed aside in terms of the strongest disapprobation, as likely to confer upon individuals a large proportion of the lands in Virginia without any advantage to the general community.[1]

The acquisition of ownership in fifty acres through the head right was not even in the time of the Company confined to the shareholder. Any one who had emigrated

[1] The original proposition was made by Sir John Wolstenholme in behalf of the adventurers of Martin's Hundred. *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 13. The *Gift*, a vessel belonging to the adventurers of this Hundred, had in the course of a very stormy voyage in 1619 lost fourteen of the persons on board, who had been sent out to Virginia. *Ibid.*, vol. I, pp. 10, 11.

to the Colony, or who had carried or sent over another person, became entitled to the same area of land.[1] The law allowing this was eminently wise in the beginning. No more powerful influence could have been set in motion for increasing the volume of population in Virginia. The extent of land to be obtained by compliance with other conditions and even by the purchase of shares was necessarily small in comparison with the area which would be acquired by this means. The conveyance of title upon the strength of the head right furnished the practical assurance that the appropriation of the soil would not outstrip too far the growth in the number of inhabitants. After the dissolution of the Company, the head right became still more common as the basis of securing a patent. Previous to 1625, it had been authorized by the orders and constitutions of the Company; when the letters of that corporation were recalled, there was a feeling of profound uneasiness in the Colony, that all titles to land would be questioned, with the result of disturbing vested interests in this form of property. Among the objects to be attained by the mission to England with which Governor Yeardley was entrusted in 1625, was the recognition of existing holdings in Virginia, and the continuation of the regulations established to govern the acquisition of land. In order that these regulations might be given more stability, he was instructed to urge the necessity of their confirmation by an Act of Parliament.[2] The apprehensions of the colonists were entirely removed by a grant of letters patent by the King on the 14th of March, 1625, in which the ordinance of

[1] Orders and Constitutions, 1619, 1620, p. 22, Force's *Historical Tracts*, vol. III.

[2] *British State Papers, Colonial*, vol. III, No. 47; *Sainsbury Abstracts for 1625*, p. 120, Va. State Library.

the Company with reference to the head right received the royal approval.[1] On the 26th of March, 1627, Charles the First being now in occupation of the throne, the letters patent of James the First were confirmed, and were confirmed for the second time in 1631, and for the third time in 1633, and in the twelfth year of Charles the First's reign, were confirmed for the fourth time. In the instructions which were given to Wyatt when he became

[1] The form adopted for the land patent immediately after the dissolution of the Company ran thus: "To all to whom . . . whereas by the Ordinances and Constitutions made and set forth by the late Company, it is ordered and appointed that such lands and dividends as shall be due to any adventurers or planters of what condition or quality soever be laid out and assigned unto them by the Governor and Council here, and whereas the same power and authority is confirmed and granted by his Majestys letters Patent directed unto mee and the Counsell of state bearing date the fourteenth day of March 1625, now know ye that I Sir George Yeardley," etc. See *Virginia Land Patents*, vol. 1623–1643, p. 49. In 1634 the form ran thus: "Whereas by Letters Patent bearing date the twoe and twentieth of July, one thousand six hundred thirtie four, from the Rt Honble Lords of his Majesties Most Honble Privie Council, their Lordships did authorize the Governor and Council of Virginia to dispose of such portions of land to all planters being freemen as they had power to doe before the year 1625, when, according to divers orders and Constitutions in that year appointed, all dividends of land anyways due or belonging to any adventurers or planters of what condition or quality soever," etc. See *Virginia Land Patents*, vol. 1623–1643, p. 158. In 1639 the following form was in use: "To all to whom . . . I Francis Wyatt . . . whereas by instructions from the King's Most excellent Majestie, directed to me and the Council of State, his Majestie was gratiously pleased to authorize me the said governor and Council to grant patents and to assign such portions of lands to all adventurers and planters as have been usually heretofore in like rates, either to adventurers of money or transportation of people to the colony, according to the orders of the late Company and since allowed by his Majesty, and likewise that there be the same portion of fiftie acres of land graunted and assigned for every person that hath been transported to the Colony since Midsummer 1625. And that the same course bee continued to all persons transported hither until it shall be otherwise determined by his Majestie. Now know," etc. See *Virginia Land Patents*, vol. 1623–1643, p. 702.

Governor in 1639, it was declared that for every person who had transported himself, or had been transported into Virginia before 1625, an area of fifty acres of ground should be allowed if it had not already been done, and Wyatt was directed to continue to enforce this regulation until he had received orders to pursue a different course.[1] The same injunction was laid upon Berkeley in the instructions given him in 1641 on assuming the administration of affairs in the Colony.[2] So important did the Virginians consider the head right of fifty acres, that in their surrender in 1651 to the Commissioners of Parliament, they sought and obtained its confirmation as one of the conditions of submission.[3] This fact is embodied in the preambles of many of the patents put on record during the existence of the Protectorate.[4] In the Act of Parliament passed for the settlement of affairs in Virginia, the privilege of fifty acres for every person transported thither was continued, and this Act is mentioned in many of the patents issued at this time as the authority for the grants which they contained. After the Restoration, this privilege was confirmed repeatedly in the instructions given to the Governors of the Colony.

The acquisition of land in Virginia by the conveyance of persons from England was not as inexpensive a means of becoming an owner of soil in the Colony as it would seem upon the first view. If a man obtained his title to fifty acres by the transportation of himself, the cost in general in the seventeenth century was six pounds, the outlay entailed by a passage across the ocean at that period.

[1] Instructions to Wyatt, January, 1638–1639, *British State Papers, Colonial; Sainsbury Abstracts for 1638*, pp. 46, 47, Va. State Library.

[2] Instructions to Berkeley, 1641, *Virginia Magazine of History and Biography*, vol. II, p. 281.

[3] Hening's *Statutes*, vol. I, p. 364.

[4] The following was the form during the administration of Richard

This would signify about two and two-fifths shillings an acre, or, raising this sum to the purchasing value which it would probably have to-day in American currency, two dollars and eighty-five cents. In addition, the tract acquired was covered with an enormous growth of primæval forest, which made necessary a great expenditure of labor and a considerable expenditure of money to clear the ground. If the right was secured by the introduction of a servant, not only must the charge for his passage be taken into account, but also the amount required to clothe him. The cost of his apparel alone in 1649 was three pounds and seven shillings.[1] When it grew common for the planters to sue out patents on the basis of head rights acquired by the purchase of persons brought over by the

Bennett: "I, Richard Bennett, Governor and Captain General of Virginia, send greeting . . . whereas by the article dated at James City, this twelfth of March, 1651, concluded and signed by Commissioners appointed by authority of Parliament for the reducing, settling and governing of Virginia, it was provided that the privilege of fiftie acres for every person transported into the colonie should be continued as previously granted, and whereas by an Act of a Grand Assembly made April 21, 1652, it was provided that all patents shall hereafter be signed under the Governor's hand with ye Secretaries authoritie . . . in law until a colonie seal shall be provided, now know ye, etc." Palmer's *Calendar of Va. State Papers*, vol. I, p. 1. See also *Va. Land Patents*, vol. 1652–1655, p. 42. When a patent was granted to the Governor himself at this time, it was signed by each member of the Council. See the instance of Governor Mathews in 1657. *Va. Land Patents*, vol. 1655–1664, pp. 158, 159. The following, proposed by Secretary Ludwell in 1677, was adopted by the Assembly as the form of the patent: "To all to whom &c I &c send &c whereas his most sacred Majestie hath been gratiously pleased by his royall letters pattents under the greate seale of England, bearing date at Westminster, the tenth day of October, in the twenty eighth yeare of his raigne, amongst other things in his said letters pattents, to continue and confirme the antient privileges and power of granting fifty acres of land for every person imported into this, his Majestie's colony of Virginia, now knowe yee that I &c." Hening's *Statutes*, vol. II, pp. 418, 419.

[1] Bullock's *Virginia*, p. 36.

merchants for sale, they were compelled to pay, in addition to the actual expenses of transportation, the profit which the traders demanded for their trouble in obtaining the servants in England.

From the very inauguration of the system of head rights, it was abused and evaded by every contrivance which ingenuity could suggest. In many cases, several patents were obtained by the same person on the strength of the number of times he had paid the charges of his own passage across the ocean. Thus in the year 1637, a tract of seven hundred acres was granted to John Chew, one hundred acres of which was allowed him for his own transportation in 1622 and 1623.[1] In a patent of one thousand acres acquired by Theodorick Bland and his brother near the close of the century, they were entered for two head rights respectively on their individual account, although they had for many years been prominent citizens of Virginia.[2] There is a record of a grant, in 1651, in which the patentee was permitted to receive eight head rights for this number of voyages across the sea backwards and forwards.[3] This was in contempt of the spirit although in conformity with the letter of the law. No lapse of time, as observed in the case of John Chew, to which reference has been made, served to make invalid a claim based upon the transportation of one's self. The widower could secure patents on head rights acquired by his marriage to several wives in succession, provided that he could truthfully swear that he had brought them into the Colony, or that they had come at

[1] *Va. Land Patents*, vol. 1623–1643, p. 445.

[2] *Records of Henrico County*, vol. 1682–1701, p. 175, Va. State Library.

[3] *Va. Land Patents*, vol. 1666–1679, p. 433. A similar instance will be found in *Ibid.*, vol. 1643–1651, p. 172.

their own expense. In a patent granted to William Carter in 1636, the head rights were derived from his transportation in different years of two wives, then deceased, his living wife, and seven additional persons.[1] Many head rights were obtained on the ground of a pretended blood-relationship to individuals now dead who had settled in Virginia.[2]

The perversion of the head right from its original purposes grew more and more palpable with the progress of time, the certificate being granted without the slightest regard for the requirements of the law. One of the most unscrupulous instances of this perversion was where the master of a ship swore before the proper authorities that he had on a stated occasion brought into the Colony certain persons, who were in reality his seamen and passengers, for whose transportation he had never received the head rights to which he was entitled, and this claim was rarely thrown out, although the seamen were permanently attached to his vessel under articles of agreement which had been compelling and would still compel their services for a long period, while the passengers had borne every expense they incurred in making the voyage.[3] In the succeeding year, perhaps, he would repeat the act, and upon the basis of the same sailors, together with a new batch of passengers, obtain, after taking the required oath, the same number of certificates to head rights as in the preceding year. In general, the custom prevailing among those having recourse to these unprincipled methods, who must, after all, have been comparatively few, was to sell the head rights thus gotten as soon as they re-

[1] *Va. Land Patents*, vol. 1623–1643, p. 559.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, pp. 16, 17.

[3] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 16.

ceived their certificates, which placed the purchasers in the position of the shipmasters with reference to the patents to be sued out. The acquisition of head rights under these circumstances by masters of vessels having been attended with no pecuniary cost and with little personal inconvenience, it followed that they were prepared to dispose of their certificates for a smaller amount of tobacco than was usual. In this way, they were able to make a considerable addition to their cargoes, which, from the fact that no outlay was entailed in securing it, augmented to that extent the clear profit of the voyage. As long as the violation of the law was either consciously or unwittingly overlooked by the colonial authorities, there was no reason in the opinion of a shipmaster guilty of this fraud why he should be disturbed in conscience. To guard, however, against the chance of his scheme of acquiring head rights on the strength of having transported to Virginia his own sailors for the third or even for the fourth time, being upset by the honesty of the officials before whom the oath was taken, he was generally too shrewd to select the same county in the Colony twice in succession as the scene of his imposition upon the welfare of the community.

As might have been confidently expected, the evil example of an unscrupulous shipmaster was imitated by the sailors under him.[1] It would have been unnatural for the underling to have observed the profit which his superior was reaping by his facility in false swearing without seeking to secure some advantage for himself by the same means. The master of a vessel having obtained a certain number of certificates of head rights, by taking an oath that he had brought to Virginia his own sailors, whom he doubtless described in very indefinite terms, the

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 16.

sailors in their turn swore with equal roundness that they had transported themselves at their own expense, and were therefore each entitled to fifty acres in the Colony. There was little likelihood that the common mariner was more scrupulous than his superior in embodying in his oath the statement that he had never received previously a certificate to a head right on the basis of transportation of either himself or his commander. The same custom of selling the certificates secured in this fraudulent manner prevailed among the sailors as among the shipmasters.

There are many indications, however, that the area of soil in the Colony in the possession of seafaring men acquired by patent was very extensive. As early as 1624, there was a grant of two hundred acres at Kecoughtan to William Gainge, a mariner. In 1635, William Barker, also a mariner, obtained a patent to four hundred acres in Charles City County; three years later, Richard Barnhouse, who followed the same profession, received by patent two hundred and fifty acres.[1] The author of the *New Description of Virginia*, writing in 1649, declared that a large proportion of the shipmasters and the principal seamen employed in the transportation of tobacco from the Colony at that time owned plantations there.[2] Powers of attorney are frequently found in the County Court entries of that period still in existence, conferring authority on some one in Virginia to manage or sell estates which had descended to the person giving the power from

[1] *Va. Land Patents*, vol. 1623–1643, pp. 39, 622.

[2] The extent of the possessions in land held by shipmasters in Virginia is shown more fully by the County Records than by the Patent Books in the Land Office. Special reference may be made to the *Records of York and Lower Norfolk Counties*. The instances of sales and purchases by mariners preserved in these records are too numerous to be noted here separately.

a mariner who had made a fortune in the Virginian trade. Some of these powers appear to sustain the assertion of contemporaneous witnesses that the dealings of sailors in connection with head rights were not in accord with the spirit of the law. There was recorded in the county of Rappahannock, in 1668, a document of this character from Thomas Sheppard of Plymouth in England, in which he places William Moseley in charge of his interest in one hundred and fifty head rights due him for the transportation of one hundred and fifty persons at different times, and in different ships, on account of whom, so far as he knew, no certificates had as yet been obtained.[1] It might be well asked where were these persons? If they had been free when they came over, they had doubtless secured patents on the basis of their own transportation, or if they had become servants on their arrival in the Colony, their masters or mistresses had most probably taken advantage of this fact to acquire larger areas of the public lands than were at that time in their possession.

For one individual who was brought over to Virginia, two hundred acres were frequently obtained by different persons.[2] The shipmaster secured fifty acres for transporting him in his vessel, the merchant who purchased his period of service from the shipmaster, or who had entered into covenants with him through agents in England, received a second fifty acres, and the same number were granted to the planter who acquired the interest in him owned by the merchant. It happened quite often that two planters would unite in buying from the merchant the same individual as one of many individuals imported, and under these circumstances, they were allowed

[1] *Records of Rappahannock County*, vol. 1668–1672, p. 150, Va. State Library.

[2] *Letters of Governor Spotswood*, vol. II, p. 15.

two head rights on account of the same person. The proprietaries of the Northern Neck did not consider themselves under any legal constraint to give fifty acres of land for the transportation of every man, woman, or child who might be introduced into the boundaries of their territory as defined in their grant. This led to a further perversion of the object of the head right. The shipmaster or merchant who had imported servants into the Northern Neck, or English emigrants who had gone there to settle, entered a claim for lands in that part of Virginia which lay outside of the limits controlled by the proprietaries, in proportion to the number of individuals brought in, and when they had secured acknowledgments of their claims, they assigned the certificates for a stated consideration to persons who either lived in that division of the Colony or who proposed to take up their residence there, and who by means of these certificates were able to obtain patents to extensive plantations. In cases of this kind, the Colony at large acquired the additional population, and to that degree the principle of the head right remained inviolate, but the principle was really disregarded in the fact that these transactions threw into the hands of the purchasers of the certificates great bodies of land which must continue wholly uncultivated and uninhabited.[1]

The perversion was pushed so far that head rights were granted upon the presentation of lists of names copied from old books of record, and it ended in the clerks in the office of the Secretary of the Colony falling into the grossly illegal habit of selling these rights to all who would pay from one to five shillings for each right, without any pretension being made that the buyer had complied with the law either by bringing in immigrants

[1] *Letters of Governor Spotswood*, vol. I, p. 153.

himself or by purchasing certificates from persons who had done so.[1] These abuses crept in with the general consent. It may be accepted as a fact that the inclination to disregard the regulation as to head rights, both in its letter and spirit, was not confined to the office of the Secretary. If we inquire into the causes of this state of public feeling, we will find that it was the result of economic influences that had sprung up and grown with the progress of time. When the population of the country had reached a certain point of expansion, the reasons leading to the adoption of the principle of the head right in the beginning began appreciably to weaken, although until the whole country had been appropriated by individual proprietors and had become inhabited, these reasons could never cease to have force. In time, however, there inevitably arose a demand for a more easy and less expensive method of acquiring an interest in severalty in unoccupied soil. The transportation of persons from England or elsewhere entailed, even in the beginning, upon those who wished to sue out patents to land in the Colony, a much heavier outlay than they would have been willing to incur, but for the fact that during the early years in the history of Virginia, this was the only means of obtaining the laborers whom they needed to bring the ground they had secured into a state of cultivation. When, however, the population had grown so large that it was possible to get this assistance without having to go to the expense of importing either servants or slaves, it followed that the law restricting the method of obtaining land by patent to the acquisition of the head right upon the basis of transportation, or purchase of certificate, became in many cases extremely inconvenient. To the man who lacked the pecuniary means to

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 16.

meet the expense of conveying persons to the Colony, or to buy them either as slaves or servants after they had been brought in by others, the ability to purchase a patent by the payment of a small sum in the Secretary's office offered his only opportunity of securing an estate out of the public domain. A wealthy planter might wish to add to the area of the soil that had long been in his possession and under cultivation, an adjoining tract, which had never been taken up, to be used as a range for his stock or as the site for new tobacco fields. Under a strict operation of the law, his only resource under these circumstances was to import the number of persons who were required to assure him a title, or to purchase an equal number of certificates of head rights, but it is easily conceivable that it might not have been to his advantage to increase the band of servants and slaves already belonging to him. If the principle of the head right had in a case of this kind been carried out in full, the expense and annoyance entailed upon the planter in adding a body of outlying land not yet appropriated, to the property already owned by him, would have been so much out of proportion to the real value of the tract, that he would probably have foregone his intention altogether. It was due in a large measure to cases of this kind that the habit crept in towards the end of the century of granting patents upon a payment of a fee in the Secretary's office. It did not have the countenance of law, but popular convenience suggested and sustained it. Its liability to gross abuse could not discredit the substantial reasons in which it had its origin. It was a modified form of purchase which had its only authority in custom, but in communities resembling those of Virginia in the seventeenth century, custom had all the force and influence of the most positive statute. It was only a question

of time for such a custom to be adopted as a standing regulation. When the laws of the Colony were codified in 1705, under the requirements of an Act passed a few years before, it was provided that in addition to the method of acquiring an interest in the soil upon the basis of the head right, the power of purchasing the public lands with coin or its equivalent, tobacco, should be allowed. By the irregular conduct of the clerks in the Secretary's office, already referred to, the charge for a patent had ranged from one shilling to five for every fifty acres. The price was definitely fixed by the statute at five.[1]

I have already enumerated the steps in the course, which, during the existence of the Company, had to be taken to give validity to a patent to land in the Colony, namely, the presentation of a petition to the Quarter Court, its reference to the standing committee for examination, and its final confirmation by the corporation at a general meeting. This confirmation, as has been seen, was also required where the grant had been made by the Governor and Council in Virginia acting in a ministerial capacity under the orders of 1618. After the abolition of the Company, the method of obtaining a patent was much less complicated. The person having a claim to head rights went before the clerk of the court of the county in which he resided, and took an oath that he had imported the number of individuals whose names he presented in his list.[2] The oath and the list were then embodied in a certificate bearing the seal of the court and the official signature of the clerk. This certificate was entered in the records of the county. It was very frequently assigned at once by the owner in return for what he deemed to be a sufficient consideration, and when

[1] Hening's *Statutes*, vol. III, p. 305.

[2] Beverley's *History of Virginia*, pp. 225, 226.

the patent was drawn upon its authority, the fact that it was based upon head rights which had been transferred was carefully stated in its text.[1] The certificate having been secured, whether it remained in the hands of the person who had obtained it from the clerk or had come into the possession of a purchaser, it had to be entered in the office of the Secretary of the Colony. In theory, the accuracy of the list of persons, represented in this certificate to have been transported to Virginia, was inquired into by the clerks in that office, and if the list was shown to be correct, the document was filed as a part of the permanent records of the Secretary. A second certificate was now issued which directed the surveyor of the county in which the person seeking the patent desired to have lands assigned to him, to lay off the prescribed number of acres.

During a long period, there seems to have been no limit set to the area of soil to which a single individual might thus secure a certificate, this merely depending upon the number of persons whom he was able to bring into the country. During the four years preceding 1623, forty-four grants of land were made by the Company to patentees, each of whom had engaged to transport at least one hundred persons at his own expense to the Colony. This would signify that each of these patentees obtained a holding of five thousand acres.[2] The plantations acquired under the operation of the law as to head rights were at this time comparatively small as a rule. An examination of the census taken of the landowners of the Colony in 1626, reveals that the size of a great majority of the

[1] *Va. Land Patents*, vol. 1623–1643, p. 758; vol. 1643–1651, p. 112.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 150. For every person imported, fifty acres were allowed, making for one hundred persons, five thousand acres.

estates at that time ranged from one hundred to one hundred and fifty acres; many covered as much as three hundred acres; a few extended to six hundred, and still fewer to one thousand.[1] It was not many years before the disposition to sue out patents to tracts which were considered large in that age had grown sufficiently to induce the Governor and Council to write to the Privy Council in England, and advise them strongly to prohibit the appropriation by any one individual of great bodies of land in Virginia, but this recommendation made no impression on those to whom it was addressed.[2] Barely a decade later, there were men in the Colony in the possession of plantations in the different counties which aggregated ten thousand acres.

When a person, however, was able to obtain possession of a great number of acres, it was generally through the acquisition, by patent, of plantation after plantation, each of a comparative small area, but amounting in their aggregate extent to a vast body of land. The records in the Register's office in Richmond, in which the copies of the patents are preserved, enable us to discover with a fair degree of exactness the size of the tracts taken up from year to year after the dissolution of the Company.[3] From

[1] *British State Papers, Colonial*, vol. IV, No. 10, I. This important document will be found in the appendix to Burk's *History of Virginia*, and also in Hotten's *Original List of Emigrants to America, 1600–1700.*

[2] Governor and Council of Virginia to Privy Council, *British State Papers, Colonial Papers*, vol. IV, No. 10; *Sainsbury Abstracts for 1626*, p. 141, Va. State Library. See also for this document, *Virginia Magazine of History and Biography*, vol. II, p. 50.

[3] This collection of patents undoubtedly constitutes the great bulk of those granted in Virginia in the course of the seventeenth century. They fill eight large folio volumes. Hardly a single, if any, year after 1630 is unrepresented. The fire which did so much damage in the office of the Secretary in the time of Governor Andros, must have been confined in large measure to the destruction of other records. See Beverley's

1626 to 1632, the greatest area of soil included in any one patent was one thousand acres. In no other instance did it rise above five hundred. The average area ranged from one hundred to three hundred. In 1632, the largest number of acres taken up under one patent was three hundred and fifty. In 1634, two very extensive tracts were acquired by patent, one amounting to twenty-five hundred and fifty acres, the other to five thousand three hundred and fifty. There were in the same year two instances of patents to tracts of fifteen hundred acres respectively and two of two thousand acres. The general average was not in excess of seven hundred and nineteen. In 1635, there was but one tract taken up by patent, which ranged as high as two thousand acres; the average size of the tracts thus acquired in the course of this year was three hundred and eighty. In 1636, the largest tract obtained by patent was two thousand acres in extent, and the average was three hundred and fifty-one. In 1637, the largest was fifty-three hundred and fifty acres. In four instances, two thousand acres were acquired, and in a third, twenty-two hundred and fifty, while the average area was not in excess of four hundred and forty-five. In 1638, the most extensive area included in a patent was three thousand acres. The average number was four hundred and twenty-three. In 1640, the most extensive area of ground

History of Virginia, pp. 82, 83. The General Assembly in 1666 referred to "the casualty of two severall fires, whereby many of those rights (head rights recorded in the Secretary's office) . . . were destroyed." Hening's *Statutes*, vol. II, p. 245. This statute was passed to give validity to patents "for which there appeare not any right upon record." It is quite probable from the apparent completeness of the patent books for the seventeenth century now in the Register's office in Richmond, that the owners of many patents which were found not to be on record in consequence of these fires or the neglect of the clerks, presented them at the Secretary's office in order to have them copied into the patent books as a means of strengthening their titles.

included in a patent was thirteen hundred acres, while the average number acquired in this form was four hundred and five. In 1641, the most extensive area was eight hundred and seventy-two, and the average three hundred and forty-three. In 1642, there were granted under one patent three thousand acres of land; five additional patents included an area ranging from two thousand to twenty-five hundred acres, while the average was five hundred and fifty-nine. In three instances in 1643, as much as four thousand, three thousand, and twenty-one hundred and ninety-two acres were included in different patents, and in two instances, the area of the grants amounted to two thousand acres. The average area was five hundred and ninety-five. In 1644, the largest area of ground acquired by a patentee was six hundred and seventy acres, while the average extent of the grants was three hundred and seventy. In 1645, the largest area was one thousand and ninety and the average three hundred and thirty-three. In 1646, the greatest extent of ground included in a single patent was twelve hundred acres, while the average number of acres covered by the grants was three hundred and sixty. In 1647, the greatest area was six hundred and fifty and the average three hundred and sixty-one. In 1648, the greatest area was eighteen hundred acres. Two patents were granted in which this extent of ground was included. The average area was four hundred and twelve. In 1649, the grants by patents amounted in area in one instance to thirty-five hundred acres; in another, to three thousand and two hundred, and in still another, to three thousand and fifty. The average extent was five hundred and twenty-two. In 1650, the largest grants included in one instance, fifty-three hundred and fifty acres, and in a second instance, thirty-four hundred and twenty-three. In five additional instances, they

equalled or exceeded two thousand acres. The average area was six hundred and seventy-seven.

From the figures which I have given, it will be seen that from 1634 to 1650 inclusive, the average area of soil which was acquired by patents granted in that interval did not exceed four hundred and forty-six acres.

Let us now examine the patents which were sued out in the course of the last fifty years of the century. Owing to the enormous increase in the number issued, it would be too tedious to present a summary of each year, as has been done in the case of the grants made previous to 1650. The calculation will now be confined to periods.[1] From 1650 to 1655, the average size of the patents was five hundred and ninety-one acres. There were issued ninety-two patents ranging from one thousand to two thousand acres, forty-one from one thousand to five thousand, and three from five thousand to ten thousand. The average size of the patents in the interval between 1655 and 1666 was six hundred and seventy-one acres. In this interval, there were issued two hundred and fifty-two patents, ranging from one thousand to two thousand acres, one hundred and forty-seven from two thousand to five thousand, and twenty from five thousand to ten thousand. In the interval between 1666 and 1679, the average size of the patents was eight hundred and ninety acres. In this interval, there were issued two hundred and twenty patents, ranging from one thousand to two thousand acres, one hundred and fifty-four from two thousand to five thousand, twenty-five from five thousand to ten thousand, and twelve from ten thousand to twenty thousand.

In the interval between 1679 and 1689, the average size of the patents was six hundred and seven acres. In

[1] These periods represent the length of time covered by the respective patent books for the last half of the century.

this interval, there were issued one hundred and forty-three patents ranging from one thousand to two thousand acres, sixty-six from two thousand to five thousand, seventeen from five thousand to ten thousand, and two from ten thousand to twenty thousand. In the interval between 1685 and 1695, the average size of the patents was six hundred and one acres. In this interval, there were issued sixty-three patents ranging from one thousand to two thousand acres, twenty-three from two thousand to five thousand, and seven from five thousand to ten thousand. In the interval between 1695 and 1700, the average size of the patents was six hundred and eighty-eight acres. In this interval, there were issued fourteen patents, ranging from one thousand to two thousand acres, thirteen from two thousand to five thousand, seven from five thousand to ten, and there was one for thirteen thousand four hundred acres.

In the course of this whole period of fifty years, the average size of the patents was six hundred and seventy-four acres, a difference of two hundred and twenty-eight as compared with the average size of the patents issued during the first half of the century.

In the *Brief Declaration* drawn up by the Council for Virginia in 1616, the announcement was made that the Company would soon dispatch to the Colony a surveyor with instructions to draw a plat of the lands which were to be distributed among the different adventurers according to the plan agreed upon.[1] This seems to have been the first reference to persons of this pursuit in the history of Virginia, accepting the term in the sense of one who determines the boundaries of grants. Interpreting it in its largest meaning, there had been, previous to this, several makers of maps in the Colony who may have pos-

[1] Brief Declaration, Brown's *Genesis of the United States*, pp. 778, 779.

sessed technical knowledge of common surveying. When Argoll arrived in 1617, he was probably accompanied by some one who had been trained in this art, since Martin's and Smith's Hundreds were laid off before the close of his administration. If the services of a surveyor were called into requisition, his name remains unrecorded. The first member of this profession known to be associated with Virginia, was Richard Norwood, who had at one time been engaged in the task of surveying the Somers Islands.[1] There must have been several surveyors in the Colony a few years before the suggestion of his name, as a division was made of a large extent of soil as soon as Governor Yeardley had finally established himself in a position to enforce the instructions of the Company. Norwood was recommended by Captain William Tucker as a man who was well versed in his business and who was also anxious to emigrate to Virginia. At the court at which this recommendation was made, the session being held in May, 1621, a committee was appointed to arrange with him the terms on which he would carry out the work he proposed to perform. These negotiations, however, came to nothing.[2]

Only a short time afterwards, the Company employed William Claiborne in the place of Norwood, and sent him to the Colony. The annual remuneration allowed him was fixed at thirty pounds sterling, to be paid either in the form of tobacco, or such other commodity as had a high value in the English markets. There is evidence to show that he received the amount of wages which had

[1] The Bermudas. *British State Papers, Colonial Papers,* vol. II, No. 33, I; *Sainsbury Abstracts for* 1623, p. 113, Va. State Library. It would appear from this authority that Norwood had obtained a grant to land in Virginia. See *Works of Capt. John Smith,* p. 638, for reference to his map of Somers Isles, 1609.

[2] *Abstracts of Proceedings of the Virginia Company of London,* vol. I, p. 122.

been promised him.[1] The Company also erected a dwelling-house for his use, and furnished him with the books and instruments he required in the performance of his duties.[2] In the instructions given to Governor Wyatt in 1621, Claiborne accompanying this officer to Virginia in the course of that year,[3] Wyatt was ordered to employ him in drawing a map of the country and in laying off the dividends of the planters, these tasks being undertaken by him in addition to determining the boundaries of the lands assigned to the officers, a duty requiring no great length of time for its completion.[4]

The office of Surveyor-General was created after the abolition of the Company. The appointment of an incumbent was made by warrant drawn by the Solicitor-General of England and having the great seal attached to it. The Governor of Virginia was expressly prohibited from appointing this officer.[5] His duties consisted in keeping a record of the surveys and in commissioning the whole body of surveyors. The latter were instructed to report to him every year at Jamestown, where their books, showing their work during the previous twelve months, were carefully examined by him to discover

[1] This was "200 weight of tobacco." George Sandys to John Ferrer, *British State Papers, Colonial Papers*, vol. II, No. 27; *Sainsbury Abstracts for 1623*, p. 88, Va. State Library.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 131.

[3] *Works of Capt. John Smith*, p. 564.

[4] The list of landowners and their holdings in 1626 was the work of Claiborne. For this list, see appendix of Burk's *History of Virginia;* also *Randolph MSS.*, vol. III, pp. 180–186. For survey of the lands belonging to the public officers, see letter of the Company dated July 25, 1621, Neill's *Virginia Carolorum*, p. 24; also Neill's *Virginia Company of London*, p. 225.

[5] Instructions to Wyatt, 1638–39, *British State Papers, Colonial Entry Book*, vol. LXXIX, pp. 219–236; *Sainsbury Abstracts for 1638*, p. 45, Va. State Library.

whether they had acted justly and faithfully.[1] The first person who held the surveyor-generalship was Gabriel Hawley, who had unusual claims upon the royal favor. Hawley was succeeded by Robert Evelyn, who was appointed by the Governor and Council in 1637, their action being afterwards confirmed in England.[2] The position was subsequently filled by Thomas Loving, and later still by Edmund Scarborough, who held it in the early part of the period following the Restoration. In 1671, Alexander Culpeper received the appointment to this office from the King, and Philip Ludwell served as his deputy, after 1676. In time, the transfer of the duties of the office to a deputy led to so much discontent, that in 1690 the Governor and Council entered a petition with the Board of Trade and Plantations, urging that the Surveyor-General should be required to reside in the Colony.[3]

When the charter of William and Mary College was granted, among the powers conferred on this institution was one to appoint surveyors after the manner laid down for the guidance of the former Surveyor-General, whose functions in this particular were merged in the college. Before the institution was actually founded, the right to commission resided in its trustees, who, if they considered it advisable, had the authority to delegate this right to a substitute. Acting upon this authority, the trustees in 1692 appointed Miles Cary, Surveyor-General, who was to execute the duties of the position with the advice and consent of a committee named by the governing body of the institution. The surveyors commissioned by the col-

[1] Letter of Secretary Ludwell to English Secretary of State, *British State Papers, Colonial Papers*, vol. XX, No. 125, I; *Winder Papers*, vol. I, p. 208, Va. State Library.

[2] The statement in Neill's *English Colonization of America*, p. 263, is incorrect.

[3] *British State Papers, Va. B. T.*, vol XXIX, pp. 41–45.

lege or its substitute were required to pay the trustees one-sixth part of the fees of their office, and also to make an annual report of the surveys entered in their books in the course of that period.[1]

Whilst the ordinary surveyor received his commission from the Surveyor-General, his deputy, or William and Mary College, according to the period of the seventeenth century in which he lived, his appointment seems to have been made at the suggestion of the justices of the court of the county in which he resided, and they were ordered by Act of Assembly to select only such persons as men experienced in surveying would recommend.[2] The Governor also possessed the right to suspend any surveyor for sufficient cause.[3] Members of this profession formed a society, which met at Jamestown, where it was often consulted in disputes as to boundaries.[4] Many of the surveyors were men of the first consequence in the Colony in point of character, ability, and wealth. In the last decade of the century, — and there was no difference in this respect in the earlier periods, — the list included such distinguished citizens as Theodorick Bland, Thomas Swann, Miles Cary, James Minge, Edmund Scarborough, and William Moseley. The number of positions occupied

[1] Surveyor of a County's Commission, *Virginia Magazine of History and Biography*, vol. I, p. 240.

[2] Hening's *Statutes*, vol. I, p. 404. This was in 1654.

[3] "Particulars of some of ye Grievances Presented by Philip Ludwell," *British State Papers, America and West Indies*, No. 512; *McDonald Papers*, vol. VII, pp. 289, 290, Va. State Library. In 1688, Mr. Arthur Allen was suspended, and doubtless others at different periods.

[4] *Letters of William Fitzhugh*, April 13, 1683. On the same occasion all complaints against the action or conduct of individual surveyors were heard. See the General Notice of Deputy Surveyor-General Philip Ludwell, bearing date Aug. 2, 1686 (*Records of York County*, vol. 1684–1687, p. 215), summoning all the surveyors in the Colony to assemble at Jamestown at the October General Court.

by the same person at one time was a remarkable feature of life in Virginia. A surveyorship was considered to be sufficiently valuable to make it a desirable addition to the lucrative offices filled by the leading landowners of each community.

When the surveyor received from the person who wished to sue out a patent to public land in the county in which the surveyor resided, the certificate of head rights given by the clerks in the Secretary's office, he proceeded to make a survey of such an unappropriated tract as the intended patentee selected. In the beginning, and throughout the whole of the seventeenth century, the far greater area of lands obtained by public grants was situated immediately upon the larger streams,[1] not only because in general these lands were the most fertile, but also because they alone offered an open highway to market. It was the custom of the surveyor to adopt the banks of a river or creek as his base. The interest of the owner of the new plantation extended into the stream to the furthest limits of the lowest ebb-tide, and no one, unless he had gotten the consent of the proprietor, could angle or haul a seine in these bounds without committing a trespass.[2] From either end of the base line the surveyor drew a line at right angles, which was carried to the length of a statute mile as a rule.[3] At the

[1] Virginia's Cure, p. 4, Force's *Historical Tracts*, vol. III; *Public Good without Private Interest*, p. 9. The same disposition was shown even in the cases in which the area of ground to be taken up was enormous. Thus in 1689, Fitzhugh proposed to buy from the agent of Culpeper in the Northern Neck, a body of land covering a hundred thousand acres, but one of the conditions of the purchase was to be that the tract should not extend back from the river on which it was situated further than five miles. *Letters of William Fitzhugh, Proposal to Secretary Spencer*, April, 1689.

[2] Hening's *Statutes*, vol. II, p. 456.

[3] I am indebted for most of the details which follow immediately, to

terminus of each of these lines he was expected to leave some mark to distinguish the spot. This generally consisted of four blazes in a tree. The marks were frequently selected by mutual agreement between the owners of contiguous plantations, and after being properly witnessed were entered on record. The next survey that was made on the same stream began at a point where the previous base line ended, and as one of the side lines of the second plat had already been drawn in the survey of the first, the only work to be performed, in order to define the area of ground to be included in the second plat, was to lay off the base line and the perpendicular of the side of the unpatented lands. When the soil adjacent to the banks of a navigable stream had all been appropriated and converted into plantations, it was then the custom to sue out patents to the lands that were situated back of these estates, the line parallel to the base line on the stream being adopted as a new base line by the surveyor, and the whole process of defining new plantations being repeated according to the rules of action followed in the former instance.

Many disputes arose as to the limits of these surveys, and the ground of such controversies was in general principally attributable to gross defects in the surveys of the first series of plantations, defects which might in large part have been avoided if the surveyors had shown greater care in carrying out the details of their work. In the first place, no allowance seems to have been made in their computations for the deficiencies of their instruments. In the seventeenth century, the surveyor's compass, like that of the mariner, was not graduated, and

an admirable paper, written, presumably, by Governor Tazewell, one of the ablest and most learned lawyers produced by Virginia, and published in the *Va. Hist. Register*, vol. II, No. 4, p. 190.

was, therefore, untrustworthy for a survey in which the nicest accuracy in measurement was required.[1] The subdivision of the surveyor's compass did not extend further than two degrees and forty-nine seconds, and in consequence the bearing of all objects must have been shifted not less than one degree and twenty-five minutes from their real positions. This important difference was not recorded in the survey, either because the surveyors themselves were unaware of it, or because they were too careless to take it into account in their calculations. The second defect arose from a cause which could easily have been prevented if they had shown strict integrity in the execution of their work. In laying off the perpendicular lines of a plat, that is to say, the lines drawn at right angles to the base line, some object of a permanent nature to serve as a terminus was always selected. If, for instance, there was a watercourse, road, or hill, it was customary to abridge or extend the line, as the case required, to reach this object, and when the plat of the survey was made up, the line was represented as ending there although its length was stated to be a mile. In reality it may have exceeded or fallen short of this distance by a hundred yards more or less. In the survey also, a stretch of inferior land, over which the line was drawn, was frequently left out of account in fixing the mile limit, being excluded from consideration as if it had no existence in the area of the plat. The divergence from the straight line, which was sometimes rendered necessary by the thickness of the forest growth, also

[1] In 1687, Fitzhugh wrote to Nicholas Hayward, then in England, as follows: "Upon finishing the first line at your corner tree on Potomack, your brother Sam, myself and some others, drank your health. In running the second line, either the unskilfulness of the Surveyor or the badness of the instruments, made us come away with the business *re in facta*." *Letters of William Fitzhugh*, July 18, 1687.

remained unnoted. The general carelessness which the surveyors exhibited in running the perpendicular lines was doubtless due, in some measure, to the comparative worthlessness of the lands situated a mile from the streams. At that distance, the soil was generally thin and poor. Exactness and accuracy in measurement seemed to be unnecessary in the light of the fact that these lands, even when moderately fertile, were too far from navigable waters to make them valuable properties, such as the owners might desire to have surveyed with precision. The usual object in securing titles to tracts of this kind was not so much for the cultivation of tobacco as for the establishment of stock ranges, and for the use of the upland timber.

It was enacted as early as the session of 1623–1624, that when a difference of opinion as to the boundaries of their respective plantations had induced two neighbors to submit the correctness of their respective claims to the issue of a second and more perfect survey, and the result had proved to be unsatisfactory to either or both of the persons interested, then the grounds of the dispute were to be brought to the attention of the Governor and Council for a final settlement.[1] In after years, it was found that much additional legislation was necessary to remove the confusion arising from the disputes as to the occupation of lands previously surveyed. A law was passed, which declared in general terms that the plats of all surveyors regularly commissioned should stand approved as giving an absolute right of possession to the holders, but this law did not meet the different points of the case.[2] In the greatest number of instances, the patents conflicting with the metes and bounds of the adjacent tracts had been granted on surveys made by trained and duly authorized

[1] Hening's *Statutes*, vol. I, p. 125. [2] *Ibid.*, p. 262.

men, who had performed conscientiously the work required of them. It may have easily happened that a person, relying upon the accuracy of his plat of the lands assigned him, had proceeded to build a residence and lay off a garden and orchard at a spot which a subsequent more careful measurement disclosed was the property of his neighbor. Under these circumstances, the law reserved to the real owner of the soil the right to buy the different improvements erected by the person in possession, at a valuation decided upon by a jury, but if this valuation were at a higher figure than he was either willing or able to pay, then he was to content himself with receiving a sum from the occupant which only represented the value of the land itself.[1] It is obvious that even this law, which was essentially just, might work the most serious inconvenience both to the owner and the holder of the soil in dispute. The owner might be unable to purchase the improvements established on the property by the holder, and yet find no real compensation for the loss of the land in the amount which the verdict of a jury might require the latter to pay him. On the other hand, it would frequently be no real compensation to the occupant if the expense he had incurred in establishing a home on the soil of which he had been dispossessed were refunded him. Moreover, the resurvey might have shown that the house in which he resided was on his own property, but that the garden and orchard[2] belonged to his neighbor. This might

[1] Hening's *Statutes*, vol. II, p. 96.

[2] "These presents witness that whereas there is a certain dwelling house and orchard where William Hawkins now liveth, fell into the plantation of Peter Rigby by survey late made upon the several lands of the said Hawkins and Rigby, these presents witness, etc." *Records of York County*, vol. 1638–1648, p. 302, Va. State Library. See also *Ibid.*, vol. 1690–1694, p. 257. The following method of settlement of a just claim to the land of the occupant was quite probably often adopted:

occur where the two contestants had been both induced by peculiar advantages of situation to select the same immediate locality as a suitable site for a home. In order to prevent cases of this kind from arising, the Assembly had from an early date passed a series of important laws, which, however, proved insufficient to accomplish the object which they had in view. First, it was enacted that all suits brought for the removal of persons who had encroached upon the grant of a neighboring patentee should be instituted before the expiration of five years after the illegal possession began, and a failure to do this was to operate as a bar to recovery.[1] Secondly, the owners of land adjoining an unappropriated tract which it was proposed to survey for the purpose of securing a title to it, were required upon demand to show the boundaries of their properties, and if they neglected to do so, for a period of twelve months, the patent of the new plantation was considered to be valid in law, although it should afterwards be found to overlap the surrounding old plantations, provided only the inaccuracy in its measurements was not the result of design.[2] In the session of 1661–62, the first of these laws was reënacted, orphans, married women, and persons of unsound mind being again exempted from its scope until five years had elapsed since the removal of their disabilities. Under the original law, persons who were absent from Virginia were not included in this number of privileged individuals, but in order to

"Thomas Trotter was seated and planted upon a parcel of fifty acres, which is now found to be within ye dividend of Sgt. John Wayne. Wayne grants to Trotter the fifty acres, in return for which, Trotter promises to make over to Wayne like quantity of fifty acres in such convenient place where Wayne shall make choice." *Records of York County*, vol. 1633–1694, p. 2, Va. State Library.

[1] Hening's *Statutes*, vol. I, p. 451.

[2] *Ibid.*, p. 519.

prevent the infliction of an injury upon the interests of innocent holders, who had acquired their title from an original occupant whose own title was in dispute, it was provided that no one coming from abroad should be allowed this interval of five years in which to institute his suit unless he arrived in the Colony within two years after his proprietorship in the land began.[1]

While these laws were highly useful, they did not reach all the evils springing from the imperfections of the first surveys. Casting about for a remedy for the confusion and harassments created by their defects, the Assembly adopted what was known as the law of processioning.[2] According to this law, the people in every neighborhood were required once in the course of every four years to assemble at a designated spot, and from that point march in a body to examine and, if necessary, to renew the terminal marks of every plantation in their precinct. If the mark in any instance consisted of blazes on a tree,[3] they were to be recut to their former depth. If it consisted of a pile of stones, the original number were to be restored in case many had been removed. If the determining line were the bed of a small stream or a public road, then, as soon as this was reached, it was to be proclaimed as the legal boundary in the presence of the entire company, who were to serve as witnesses of the fact in the next processioning. When the bounds of every plantation had been recognized and acknowledged by all participating in the

[1] Hening's *Statutes*, vol. II, pp. 97, 98.

[2] Various devices were at one time adopted in England to accomplish the same purpose; among others, beating the bounds. See works on *English Popular Antiquities.*

[3] It seems to have been the habit of some planters, after felling the forest trees which marked the boundaries of their estates, to plant in their stead pear trees, doubtless because such trees were unusually long-lived. *Records of York County*, vol. 1694–1697, p. 208, Va. State Library.

procession, the owners of the land at the time, or those afterwards claiming their title from them, were shut out from making any alteration in the terminal marks, monuments, or lines. In case an altercation arose between two neighbors in the course of the processioning, as to the boundaries of their estates, the two surveyors who always accompanied the procession were required, in sight of the assembled people, to draw again the lines in dispute, and if a conflict in the original surveys were shown, the difference was to be equitably adjusted and the bounds thus laid off were to be accepted as permanent. The area which was to be covered by a procession was designated by the vestry of each parish for the domain in their special jurisdiction. The time first assigned for the performance of the duty of processioning was in the interval between Easter and Whitsuntide,[2] but in the latter part of the seventeenth century, it was advanced to the interval between the 7th of September and the 31st of March, a period during which the planters were most at leisure, as their crops had been gathered in, and in most cases sold. Moreover, during this section of the year, the physical obstacles were less serious, as the trees were now devoid of leaves, and the thickets and undergrowth were more easily penetrated in consequence. The supreme importance of processioning in the view of the law is revealed in the requirement that all persons who, without having a sound excuse to offer, failed to take part in it, were exposed to a fine of three hundred and fifty pounds of tobacco.[2]

[1] Hening's *Statutes*, vol. II, p. 102. In 1662, a record was made in York County of the fact that the vestries had been ordered by court, in conformity with the Act of Assembly, "to divide their several parishes into limits and to appoint the fittest persons in those limits between Easter and Whitsuntide." Vol. 1657–1662, p. 474, Va. State Library.

[2] Hening's *Statutes*, vol. II, p. 102.

In spite of the enforcement from year to year of the law of processioning, disputes as to boundaries were constantly arising between planters whose lands were contiguous. Several instances may be given of the manner in which these controversies were settled. In 1670, a difference occurred between Mr. John Burnham on the one hand and Mr. Richard Parrott on the other, as the guardian of the children of Daniel Welch, with reference to the lines of their respective grants, and it was carried to the General Court, Robert Beverley having first been nominated as the representative of the plaintiff, and John Lewis as the representative of the defendant, with Colonel John Catlett as umpire. The court instructed these gentlemen, who had been selected by the parties to the dispute, to meet at the house of Henry Corbin upon a set day in the following month, and to proceed at once to lay off the tracts involved, upon the basis defined in the original patents. The sheriff of the county in this case happened to be Mr. Parrott, in consequence of which fact, Mr. Robert Chewning was ordered to summon a jury composed of men residing in the neighborhood to assist in the survey and to see to the utmost fairness in the use of the chain in measuring. Mr. Mathew Kemp was desired to be present for the purpose of administering the oaths to the surveyors' chain-carriers and members of the jury, and also that he might accompany them as they performed the duties prescribed for them. The report of the jury and a full account of all the proceedings were to be returned to the next General Court. Care was to be taken that in selecting the former body, no persons should be chosen who were in the employment of either the plaintiff or the defendant.[1]

In a difference arising in 1671, between Rowland Place

[1] *Records of the General Court*, pp. 25, 30.

and John Stith about the boundaries of their lands, the General Court ordered that twelve men from among the oldest and best informed inhabitants of the community in which the plaintiff and defendant lived, should be summoned, and then proceed, with the coöperation of a competent surveyor, to lay off the lines of Mr. Place's plantation according to the terms of his patent. The jury in this case were sworn in by the nearest magistrate, but there was present no representative of either party. Occasionally this body had the aid of two surveyors. In some instances, the jury was dispensed with and the points in dispute were referred by the court to several surveyors for a settlement, which was to be final.[1]

It might have been supposed that the numerous controversies resulting from incorrect computations in laying off plats would have led any one who proposed to sue out a patent to insist upon a careful performance of the work, since so much depended upon precision. Doubtless in the large majority of cases this was done, the defects in the measurements being due to causes not always avoidable or removable on the part of the surveyors, however conscientious or painstaking. The greater number of these men must have clearly recognized that their professional reputation must rest upon a strict regard for accuracy, and were, therefore, doubtless anxious to attain it whenever their services were engaged. There were others who were wholly indifferent as to the manner in which their duty was performed. These drew many of their plats without having first used a surveying instrument,[2] setting

[1] *Records of the General Court*, pp. 56, 103, 118. Other cases of disputed surveys will be found in *Ibid.*, pp. 70, 104, 109, 163, 174, 190. Controversies of this kind were frequently settled by arbitrators who had been appointed by the County Court. See *Records of Lower Norfolk County*, original vol. 1656–1666, p. 227.

[2] "Or ever coming on the land, only they gave the description by

down well-known natural objects as determining points, and then not infrequently sold the plats without the consent of the persons who owned them. So common did this practice become that the Assembly was compelled to interpose with a law, that the written particulars of no survey should be delivered within six months after it was taken. For the violation of this provision, a fine of five hundred pounds of tobacco was imposed for every one hundred acres in the tract, and this was to be paid into the treasury of the county in which the land was situated.[1]

For the purpose of inducing a more competent, scrupulous, and trustworthy class of men to follow the profession of surveying, it was found necessary, in 1666, to double the fees hitherto allowed its members.[2] The scale previously in operation had been twenty pounds of tobacco for every one hundred acres laid off, if the tract exceeded five hundred acres in extent, but if it fell short of that number, then the whole fee for the work was to amount to only one hundred pounds. Under the terms of the law of 1666, the surveyor was permitted to charge forty pounds of tobacco for every one hundred acres determined, in case the plat did not include more than one thousand acres in its limits, and if it did not cover that area of ground, his charge was restricted to four hundred pounds. His fee was paid by the person designing to sue out a patent for the land, but it does not seem to have been delivered ordinarily upon the completion of his work. The owner of the new plantation enjoyed the right of producing one crop of tobacco before the surveyor

some natural bounds and were sure to allow large measure that so the persons for whom they surveyed might enjoy larger tracts of land than they were to pay quit-rent for." Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 15.

[1] Hening's *Statutes*, vol. I, pp. 518, 519.

[2] *Ibid.*, vol. II, p. 235.

could claim his remuneration. It was finally delivered him by the sheriff of the county, who was required to collect all dues of this general nature.[1] No member of this profession who had received a commission was permitted to refuse to make a survey when called upon to do so by any person who had obtained a certificate giving him the right to sue out a patent to a tract in the county to which the particular surveyor was restricted. If the latter declined without a tenable excuse, he brought himself under the censure of the County Court. He could not, however, be compelled to go so far from the place where he resided as to render return impossible in a day, unless he was allowed thirty pounds of tobacco for every twenty-four hours included in the period of his absence from home. If, to arrive at the place where the new plantation was to be laid off, he was forced to travel by water, the expenses of his transportation were to be borne by the person employing him.[2] At a later date in the history of the Colony, the additional fee of thirty pounds of tobacco was not considered in every case sufficient, and the surveyor under these circumstances doubtless charged whatever the inconvenience and difficulty of the special work appeared to justify.

In the regular course of procedure the plat was returned to the office of the Secretary, and the original or a copy was afterwards filed in the office of the Surveyor-General. Previous to the arrival of Howard, it does not appear to have been necessary to record this plat. There was so much complaint of the uncertainties arising in consequence of the failure to do so, that at the instance of the practising attorneys, a rule of court was adopted during his

[1] Beverley's *History of Virginia*, p. 226. The collection of surveyors' fees was as regularly a part of the sheriff's annual duties as the collection of quit-rents. [2] Hening's *Statutes*, vol. I, p. 452.

administration, requiring that thereafter all surveys should be entered in a book in the office of the Secretary.[1] The patent was drawn by the clerk in the Secretary's office in conformity with the measurements of the plat, and was then delivered to the Governor, who by law was required to read it in Council in order that the consent of that body to it might be obtained. The Governor then signed it and the seal of the Colony was attached to it, this instrument being kept in the office of the Secretary.[2] The seal had been used for the authentication of patents from a very early period in the history of Virginia, and had in its general character undergone from time to time changes of importance.[3] Previous to the administration of Howard, it had been affixed to patents without the imposition of a fee;[4] Howard directed that two hundred pounds of tobacco should be charged, and that when this was not paid, the sheriff of the county in which the delinquent resided should levy upon his property.[5] The proceeds from the use of the seal were calculated by Fitzhugh to amount annually to one hundred thousand pounds of that commodity, its impression being required by law for all public

[1] Grievances Complained of by the Burgesses of Virginia, *British State Papers, America and West Indies*, No. 512; *McDonald Papers*, vol. VII, pp. 194, 221, Va. State Library. The order of court will be found in *British State Papers, Colonial Papers*, 1688. See *Sainsbury Abstracts for 1688*, p. 126, Va. State Library.

[2] *Letters of William Fitzhugh*, letter to Henry Fitzhugh, April 5, 1687.

[3] There will be found in the *William and Mary College Quarterly*, for October, 1894, a full account of the Colonial Seals, by President Lyon G. Tyler, of William and Mary College. This article is based upon careful original research.

[4] Address of Burgesses to Howard, *British State Papers, Colonial Entry Book*, No. 86, 1683–1695; *McDonald Papers*, vol. VII, p. 349, Va. State Library.

[5] See Proclamation in *Records of York County*, vol. 1684–1687, p. 123, Va. State Library.

documents, including proclamations and commissions as well as patents.[1] This large income was appropriated by the Governor. The new fee raised a great commotion in Virginia, which was not quieted by the assertion of Howard that the authority for its exaction was not his own proclamation but a decree of the Court of Chancery. In 1689, the fee was discontinued on account of the indignant opposition which it excited in the Colony.[2]

It sometimes happened that two certificates had been obtained authorizing the survey of the same land. When patents had been secured on both, it was not uncommon, in order to gain priority, for the more unscrupulous of the grantees to bribe the clerk to put his patent on record before the Governor had signed it, or the seal had been attached to it. The date was omitted, the clerk not being able to anticipate when the deed would be passed upon, and in some cases when the date had been ascertained, he forgot to insert it. In other cases, the patent was not passed upon at all, the patentee taking his title from the imperfect record of his grant.[3] Frequently, documents of this kind which had been signed and sealed, were never entered, owing to the neglect of the clerks who were charged with the performance of this duty ; so numerous were these instances, that it was found necessary as early as 1666 to adopt a rule giving these incomplete deeds validity in law.[4] It seems to have been not uncommon for a patentee to transfer his grant before it had been placed on record in the Secretary's office, the assignment itself being made in the form of an inscription on the back of the instrument, the patent and assignment

[1] *Letters of William Fitzhugh*, letter to Henry Fitzhugh, April 5, 1687.

[2] *Colonial Entry Book*, No. 109, pp. 223–225.

[3] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, pp. 50, 51.

[4] Hening's *Statutes*, vol. II, p. 245.

being entered together.[1] After a grant had been recorded in the office of the Secretary, the first conveyance to a purchaser of the land included in it was often accomplished in the same general manner by copying the patent and the assignment of the patent in the books of the County Courts.[2]

The whole acreage included in the patent entered on record was not always land in which no interest had been previously held by any person. The tract quite frequently was made up of an old plantation and a certain area of soil claimed upon the basis of new head rights. The patent now sued out covered this entire space as if it had never in any of its parts been in the possession of but one owner.[3] In 1652, a grant was made to Jane, the widow of Edward Bland, which gave her a title to forty-three hundred acres, three thousand of which had been originally taken up by Thomas Hill, and the remainder by her husband; the two tracts, by order of court, were united into one under a common instrument.[4] In every instance in which a grant was acquired that included in the extent of ground it covered land for which a series of patents had been previously secured, the latter had to be brought into the Secretary's office and surrendered in order that the head rights represented might become the basis of the new deed.[5] Occasionally, the documents delivered up in accordance with this regulation stood in the name of the same person, having been obtained by him in succession. In 1642, John Moone received a grant for twenty-two

[1] *Va. Land Patents*, vol. 1655–1664, p. 287.

[2] See, for example, *Records of Rappahannock County*, vol. 1671–1676, p. 50; *Ibid.*, original vol. 1695–1699, p. 9; *Records of York County*, 1687–1691, p. 510, Va. State Library.

[3] *Va. Land Patents*, vol. 1623–1643, p. 92; vol. 1643–1651, pp. 55, 78.

[4] *Ibid.*, vol. 1652–1655, pp. 200, 201.

[5] *Ibid.*, vol. 1643–1651, pp. 51, 83.

hundred and fifty acres already held by him under four or five different instruments which he had sued out in the course of many years.[1] A second patent was not infrequently secured in the place of the first, although obtained for the same area of soil, on the ground that the original survey had been inaccurate in the determination of boundaries. A second patent was also acquired quite often to land taken up by the same person but afterwards abandoned, or not seated within the time prescribed by law.

From the date of the first issue of a patent to land in the Colony, certain fees had been allowed to those upon whom rested the duty of drawing up the document. In the beginning, before a legal limit to the size of these fees had been set, they were frequently so excessive as to call forth the remonstrance of the Company; thus in 1622, this body complained that the Secretary was in the habit of demanding twenty pounds of tobacco, or three pounds sterling in money, whenever he delivered the final evidence of title to a private dividend of fifty or an hundred acres, and effective measures were adopted to curtail this unreasonable charge on his part.[2] In 1632, when that corporation had been abolished for a number of years, a fee of thirty pounds of tobacco was allowed for the issue of each patent, in addition to the two pounds which the clerk was authorized to impose for every page of the recorded document. In 1657, the fees for drawing and entering an instrument of this kind amounted to eighty pounds in all, and if a copy of it was afterwards desired, there was a further charge of thirty pounds.[3] As late as

[1] *Va. Land Patents*, vol. 1623–1643, pp. 860, 861.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 6.

[3] Hening's *Statutes*, vol. I, p. 464. It was the same in 1662. See *Ibid.*, vol. II, pp. 144, 145.

1688, the fee for recording a patent continued to be thirty pounds of tobacco, although in that interval this commodity had gone through great fluctuations in value.[1]

When, in 1692, Governor Andros made an investigation of the methods prevailing in the office of the Secretary, he found many glaring indications of carelessness and indolence. Many patents were lying in confusion in the corners of the office, where they were exposed to the depredations of insects. Andros proceeded at once to introduce a radical change in this state of neglect and disorder; he caused the torn and scattered records to be copied into new books, and made every provision against their destruction by fire, but, as it turned out, in vain, for in 1698 the office was burned down. Collecting the records that had survived the flames, he directed that they should be rearranged and again copied.[2]

When a patent to land had been secured by the different steps in the procedure described, there were two important conditions to be observed before the title was perfected, and a failure to carry out these conditions worked a legal forfeiture. The first, to use the technical term in vogue, was to "seat" the new plantations. A very broad interpretation of what constituted a seating in the eyes of the law prevailed in the Colony. All requirements in this respect were thought to have been performed if the patentee had erected a small cabin of the meanest pretensions on the land, had suffered a small stock of cattle to range for twelve months in its woods, and had put down an acre in tobacco or corn, whether subsequently allowed to choke with weeds or only tended

[1] Minute of a General Court, *British State Papers, Colonial Papers*, 1688; *Sainsbury Abstracts for 1688*, p. 126, Va. State Library.

[2] Beverley's *History of Virginia*, p. 82. Reference has already been made to the probable degree of destructiveness which marked this fire.

with sufficient care to produce an insignificant crop.[1] In the greatest number of cases, however, the new plantations were promptly seated in accordance with the spirit as well as with the letter of the law, because the owners were anxious to establish homes at once, and convert the soil to the uses which would promote the welfare of themselves and the community. It was where the land was taken up under the influence of speculative motives, or merely as a pasture for cattle, that the conditions as to seating it were carried into effect, if carried into effect at all, in a perfunctory manner. Very properly the operation of this condition was suspended whenever special reasons existed to justify it. Thus if the patentee had been driven from his property by an incursion of Indian marauders, and it was unsafe to return until a great length of time had passed,[2] the regular limit of three years for the performance of the rule as to seating was extended to seven, and if the possession of the hostile intruders was prolonged for seven years or more, the period in which the provisions of the regulation were to be carried out was still further extended.[3] The penalty that the lands should be forfeited unless seated in the prescribed time was not always enforced, but instances of a strict regard for the law in this particular were most common in the early history of the Colony, when custom had not confirmed the spirit of laxity which was springing up in all matters relating to the appropriation of the soil. A persistent effort was made to escape the regulation as to

[1] Hening's *Statutes*, vol. II, p. 244. [2] *Ibid.*, vol. I, p. 349.

[3] *Ibid.*, vol. II, pp. 397, 398. See petition of Major Lawrence Smith, in which he requests an extension of seven years in the time in which to seat a large tract in New Kent County, which he had deserted in consequence of his apprehension of an Indian attack. Palmer's *Calendar of Virginia State Papers*, vol. I, p. 8. See also *Records of the General Court*, p. 17.

seating in all those cases where the ground engrossed adjoined an old plantation, the owner of which was anxious to extend his boundaries by suing out a patent for the forest lands contiguous to the lands on which he resided. During a long period, the persons who thus pushed forward the boundaries of their estates were not thought to be required to observe the law as to seating in order to secure a valid title to outlying tracts, but in 1692 it was declared that such tracts were to be forfeited unless the holders should in the course of the following three years conform to the established regulation.[1] In order to evade the penalty imposed for a failure to seat lands taken up, it was not unusual for the owner of a plantation, whenever he added to it a body of outlying soil which had never before been appropriated, to have the old and new estates resurveyed, and to sue out a patent for the whole as if the area of both were in their original condition. The previous settlement and cultivation of the older of the two bodies of land served as a fulfilment of the requirement as to seating the more recent. To obtain this new patent, it was necessary to redetermine the boundaries of the old tract. The measurements of the first survey were obtained from the patents granted when title to the land already seated was secured. Adding these measurements to those laid down in the plat of the new tract, the metes and bounds of the two plantations, the old and the new, were taken as the basis for a new patent to both as if they had been one.

The carelessness in conforming to the provisions of the law as to seating was the natural result of the physical conditions prevailing in the Colony. Unappropriated soil was so abundant that no damage seemed to be done to the welfare of the community in obtaining a

[1] Hening's *Statutes*, vol. III, p. 101.

patent to a tract without either building on it or cultivating it. There would always be sufficient lands for the population, however rapidly expanding from within or enlarging from without, to permit the erection of as many new plantations as the increasing number of people required. As it was in the power of every man of means to sue out a patent to an estate of his own, so every man who looked forward to acquiring land was interested more or less in a loose interpretation of the law as to seating. A planter was disposed to-day to wink at his neighbor's dereliction in this respect, because he might desire to-morrow to imitate that neighbor's example, and in his turn expect to have his own dereliction overlooked. Both naturally argued that the prosperity of Virginia at large remained unaffected, the area of unappropriated soil being practically boundless. Nay more, the interest of the Colony, in their opinion, was positively benefited, because their action had a tendency to extend the frontier by compelling new settlers to take up lands further in the wilderness. The expediency of the law as to seating, a law that was eminently wise in the beginning, in some measure diminished with the passage of time. In an important degree the provision fell into desuetude, as revealed in the fact that it was frequently evaded altogether, or conformed to in a manner wholly inadequate.

The second condition attached to the grant of a patent was the quit-rent. Under the provisions of the laws adopted in 1618, all persons, whose tenure of their plantations was based upon the ordinary head right, were required to pay an annual rent of twelve pence for every fifty acres conveyed to them, but this charge was not to begin to operate until seven years had passed.[1] The

[1] See Instructions to Governor Yeardley, *Virginia Magazine of History and Biography*, vol. II, pp. 161, 165.

shareholder, as we have seen, held his lands acquired by bills of adventure, or by transportation of persons to Virginia exempted from this imposition.[1] During the administration of the Company, the quit-rents were paid to a special officer who resided in the Colony.[2] One of the first petitions drawn up by the Assembly of 1619 to be presented to the authorities of the Corporation in England, requested that an agent should be sent to Virginia invested with the powers of a treasurer, and instructed to collect the different rents as they fell due; it was urged in strong terms that this agent should be ordered to receive the rents, not in the form of money but in the form of valuable agricultural commodities.[3]

When the letters patent of the Company were recalled, the quit-rents became payable to such persons as the King should designate; it was not, however, until Jerome Hawley arrived in 1637, as the first treasurer who had been appointed since the administration of the affairs of the Colony by the Crown began, that any step was taken looking to their collection.[4] Announcement was then made that all persons who were now in possession of lands in Virginia were expected to lay before the new officer the title deeds to their property, in order that he might ascertain the number of years during which each landowner had held his estate, and in consequence the amount of quit-rents in which he was indebted to the

[1] Laws and Constitutions, 1619, 1620, p. 21, Force's *Historical Tracts*, vol. III.

[2] Laws and Constitutions, 1619, 1620, p. 22, Force's *Historical Tracts*, vol. III. This section required that the rents should be paid to the "Treasurer and Companie."

[3] *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 16.

[4] King to the Governor and Council of Virginia, *British State Papers, Colonial*, vol. IX, No. 33; *Sainsbury Abstracts for 1636–1637*, p. 178, Va. State Library.

King. These rents were to be paid to the treasurer, who was given the authority to appoint collectors. His accounts were to be submitted annually to the Governor and at least three of the Council, and after they had been passed upon, were to be transmitted to the High Treasurer of England.[1] But small results appear to have followed from this royal order.

Probably at the instance of Roger Wingate, who at that time was the Treasurer of Virginia, a motion was approved by the General Assembly at the session of 1639,[2] that all the landowners should be required upon warrant to report to the Commissioners of the monthly courts, their evidences of title as well as the situation and the extent of their estates. When the amount which they owed in quit-rents had been computed, they were to be directed to satisfy it either in coin or in tobacco, according to the rates at which this commodity was sold in the Colony. The one shilling for every fifty acres was to be paid annually at Michaelmas at places selected as the most convenient to the planters of each district. It was expressly declared that no rent of this character should be held to be due until seven years had passed since the grant of the patent creating it. In adopting this rule, the Assembly stated that they were following the provisions of the Charter of Orders of 1618. It remained in force throughout the reign of Charles the First, was confirmed in the articles of surrender in 1651, but was recalled in the instructions which were given to Berkeley under the administration of Charles the Second, on the ground that it induced persons to appropriate larger

[1] *British State Papers, Colonial,* vol. IX, No. 33, I; *Sainsbury Abstracts for 1636*, p. 179, Va. State Library.

[2] Hening's *Statutes*, vol. I, p. 228. Hening gives merely the heading of the motion. See also *Ibid.*, p. 280. For Wingate's connection with the law, see *Robinson Transcripts*, p. 23.

quantities of land than they could bring under cultivation.[1] The revocation was confirmed in the reign of James the Second.

In the course of the very year in which the law was adopted by the Assembly providing for a more careful collection of the quit-rents, Howard Horsey petitioned the King to appoint him to the Receiver-Generalship of the Colony, which had recently fallen vacant, on the ground that under previous administrations the office had been of no value on account of the failure of the incumbents to perform its duties. Horsey asserted his ability to make the position profitable to the throne, and he prayed for a lease of it for fourteen years, or a nomination of two lives at a reasonable rate, to be settled in the form of an annual rent.[2] Nearly a decade subsequent to the date of this petition, the Treasurer of Virginia complained with much emphasis that the payment of one shilling for every fifty acres was still neglected, and urged as a remedy that the Assembly should give him the power to distrain upon the property of all delinquents. This request was accorded, subject to the condition that the latter should be permitted to replevy their goods when seized, upon furnishing sufficient security, from which they were only to be released after a hearing in the County Courts or by the Governor and Council.[3] An Act passed nearly ten years later shows that the remissness in paying the quit-rents still continued; this statute allowed the counties to compound for their arrears by settling during the course of the following two years in double the amount of their

[1] Instructions to Berkeley, 1662, *McDonald Papers*, vol. I, p. 418, Va. State Library.

[2] Petition of Howard Horsey to the King, *Domestic, Charles I*, vol. 403, p. 43; *Sainsbury Abstracts for 1639*, p. 84, Va. State Library.

[3] Hening's *Statutes*, vol. I, p. 351.

annual dues.[1] This laxness was observed at different times during the remaining portion of the seventeenth century,[2] but there are indications that during this period the quit-rents were collected with strictness on the whole.[3]

The quit-rent was a continuous source of ill feeling in the breasts of the planters; they objected to it in a general way as an encroachment on the ownership of their lands, and they employed every device to evade it entirely or to diminish the burden which it created. At first its payment in tobacco did not have the countenance of the law, but so general was the habit as a result of the necessities of the situation that the Assembly, in 1645, instructed the Treasurer to receive the quit-rent in that commodity at the rate of three pence a pound.[4] Under the provisions of an Act passed in 1661, it was provided that all persons who were not able to settle it in coin should be permitted to do so in tobacco on the basis of two pence a pound, which was the value of the leaf at the time.[5] This privilege was doubtless seized upon even by the few who might have found it convenient to pay in metallic money. There were no evidences of dissatisfaction with this law on the part of the English authorities until many years had elapsed. In 1682, the Governor of the

[1] Hening's *Statutes*, vol. II, p. 31.

[2] In the records of Lancaster, Surry, and Middlesex Counties for the year 1680, proclamations are entered in which it is stated that the payment of quit-rents was very much in arrears. See *Records of Middlesex County*, original vol. 1666–1682, p. 371. In the records of the same county will be found the proclamation of Lord Culpeper in 1682 to the same effect. See original vol. 1679–1694, p. 76.

[3] The July (1895) number of the *Virginia Magazine of History and Biography* contains a statement of the annual amounts due from the different counties in the years 1663, 1664, and 1665. See article "Quit Rents in the Seventeenth Century."

[4] Hening's *Statutes*, vol. I, p. 316.

[5] *Ibid.*, vol. II, p. 31.

Colony, with a view to curtailing the area of uncultivated ground, proposed that where a plantation exceeded one thousand acres in extent, the owner should be required to deliver his quit-rents in coin.[1] In an order addressed to Lord Howard in 1684, the King, after referring to the revocation of the letters patent granted to Culpeper and Arlington in 1673, under which all the quit-rents of Virginia had been conferred upon these noblemen, urges upon him the necessity of collecting the one shilling for every fifty acres in pieces of eight and not in tobacco, as had hitherto been the case.[2] These instructions must have been carried into effect to a certain extent, for in the following year, 1685, the owners of land presented a petition to Howard, in which they warmly urged that they should be permitted to settle their quit-rents in tobacco alone, on the ground that coin was extremely scarce in the Colony, and that it was practically impossible to obtain it from England.[3] Howard so far yielded to this request as to allow those who, on account of the scarcity of coin or their poverty, would find it difficult to pay in metallic money, to deliver to the sheriff such a quantity of their best leaf at the rate of one penny a pound as would assure the satisfaction of the King's dues.[4] The sums in either form thus collected were to be turned over to Nathaniel Bacon, the Auditor-General. This was really a reversion to the former condition of affairs, for the large

[1] Instructions to Culpeper, and His Replies, 1681–1682, *McDonald Papers*, vol. VI, p. 143, Va. State Library.

[2] *Colonial Entry Book*, No. 82, p. 282 ; *Sainsbury Abstracts for 1684*, p. 122, Va. State Library.

[3] Address of Burgesses to Howard, 1685, *British State Papers, Colonial Entry Book*, Virginia Assembly, No. 86; *McDonald Papers*, vol. VII, p. 344, Va. State Library.

[4] A copy of Howard's Proclamation will be found in *Records of York County*, vol. 1687–1691, p. 90, Va. State Library.

planter enjoyed few advantages over the planter on a small scale towards securing the proportionate amount of coin which he required. The course of Howard in relaxing the rule called for by his instructions caused discontent in England, for in 1686 the King peremptorily repealed the statute of 1662, which had given a legal validity to the payment of quit-rents in tobacco, and the reason advanced for this step was that the quantity of unmerchantable leaf passed upon collectors was so large that the revenue from this source had dwindled almost to nothing.[1] The Burgesses refused to concur in the Royal Order, and firmly and boldly denied that the King had the right to repeal the law of the Assembly by issuing a proclamation.[2] After the Revolution of 1688, the quit-rents were paid in general in tobacco at the rate of one penny a pound.[3]

The duty of receiving the quit-rents of each county was imposed upon its sheriff, the fee which was allowed him by way of remuneration being ten per cent of the amount coming into his hands. In making his collections, he was guided by the patent rolls of his predecessor, and by the additional rolls of the same character that accumulated from year to year during his incumbency of the office. He was directed to return these documents to the Auditor of the Colony.[4] As soon as the sheriff of each county delivered to the Auditor the tobacco obtained in settlement of the quit-rents, the latter official, after consultation with the Governor, disposed of it privately, the purchasers being required to satisfy their indebtedness in coin or

[1] Letter of the King to Howard, *Colonial Entry Book*, No. 83, pp. 112–113; *Sainsbury Abstracts for 1686*, p. 17, Va. State Library.

[2] Howard to the Privy Council, *British State Papers, Colonial Papers*; *Sainsbury Abstracts for 1686*, p. 32, Va. State Library.

[3] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 56.

[4] *Records of York County*, vol. 1684–1687, p. 123, Va. State Library.

bills of exchange on England. These purchasers were, in general, members of the Council, each of whom took as his portion the tobacco paid in that part of the Colony in which he resided. The Councillors also became farmers of the quit-rents and found it a profitable venture.[1] The receipts given to each sheriff on his delivering these rents constituted his legal account with the Auditor. The proceeds from the sale of the tobacco remained in the possession of the latter official until disbursed on a warrant from the Governor drawn in obedience to orders of the English authorities. The share in the quit-rents allowed to the Auditor amounted to seven and a half per cent of all his receipts and payments.

The disposition of the quit-rents when applied to public uses seems to have varied materially at different times. In 1645, the surplusage, after the payment of the salary of the Treasurer, was expended in such a manner as the General Assembly considered most judicious.[2] Thirty-four years subsequent to this, Culpeper was instructed to devote the quit-rents to the erection of a fort wherever it might seem to be most needed.[3] In 1681, the English Government adopted a minute that thereafter no private grant of these rents should be made, and that all the proceeds from this source should be expended in carrying on the administration of affairs in Virginia; a resolution was passed requiring Colonel Norwood, to whom they had been given by the King, to draw up a full report as to his total receipts previous to the year 1669.[4] When the foundation

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 33.

[2] Hening's *Statutes*, vol. I, pp. 306, 307.

[3] Instructions to Culpeper, *McDonald Papers*, vol. V, p. 309, Va. State Library.

[4] *Colonial Entry Book*, No. 106, pp. 274–276; *Sainsbury Abstracts for 1681*, pp. 108, 109, Va. State Library. Norwood, in his reply, declared that he stood acquitted of these quit-rents by Lords Arlington and Cul-

of the College of William and Mary was laid, a very important part of the quit-rents went to the construction of its buildings. Near the close of the century, the amount collected in the Colony did not exceed eight hundred pounds sterling each year.[1]

There was in Virginia a great area of soil which had lapsed to the King. This description applied only to ground that had been forfeited because the provision as to seating before the expiration of three years had not been complied with. An estate might have been granted to two persons in succession, and for failure to observe this condition, in both instances have lapsed.[2] A plantation which had been once seated, though afterwards abandoned, was not considered to fall into this classification,[3] nor did the rule apply to land of which actual possession had been taken by a second patentee after its abandonment by the first.[4] It did not follow that the soil had lapsed merely because there was no personal property on it upon which a distraint might be levied by the sheriff, in consequence of a failure to pay the quit-rents. If an attempt was made to sue out a second patent to a tract of this character, the strictest evidence was required to show that it had not been seated by the first grantee. An order had to be obtained from the Governor and Council before the second document was allowed to be issued, and this order might be combated by the first patentee in the form of a petition, in which the proof was embodied that the provisions of the law as to seating had been carried out.[5]

peper, who had received a grant of all such rents under the letters patent of 1672. *Colonial Entry Book*, No. 106, p. 282.

[1] Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 57.

[2] *Records of the General Court*, pp. 43–45.

[3] Beverley's *History of Virginia*, p. 227.

[4] Hening's *Statutes*, vol. I, p. 468.

[5] *Ibid.*, p. 468.

When the petition was denied as unsustained, the General Court certified this fact to the Governor, who could use his discretion in attaching to the second patent the conditions entering into the first.[1] The first grantee was not stripped of every right by his failure to show that he had seated the lands in dispute, but was permitted to obtain a title to an estate elsewhere upon the basis of his original head rights. There must have been a strong disposition in the colonial authorities to encourage the issuing of second patents to soil which had for many years remained untouched. The rule had sprung up in the Colony that as long as there was no distrainable property on the land, the latter could not be forfeited because the quit-rents were unpaid.[2] The prospect of this advantage from holding a large area in a deserted state was counteracted to an important degree by the fear that it might be difficult to show that the title had not lapsed because the tract had really been seated.

Whenever a person who was seized of lands in fee simple died without heirs and without leaving a will, these lands reverted nominally to the King. At one time, the first individual who took possession of such lands enjoyed the right of having them granted to him without opposition, but in the latter part of the seventeenth century, the patent to an escheated tract passed in general to the person whom the Governor might select from the whole number of the petitioners. An order was issued directed to the escheator of the county in which the plantation was situated. This officer, who was frequently a member of the Council and always a man of prominence in the community, as soon as he received it, summoned a jury of twelve men, by whom an inquest was taken under his supervision.

[1] Beverley's *History of Virginia*, p. 227.

[2] *Letters of Governor Spotswood*, vol. I, p. 51.

For the performance of this duty the escheator received a single fee of five pounds sterling.[1] The certificate of inquest was returned to the office of the Secretary of the Colony, where it remained for nine months, and at the expiration of that period a patent issued to the person for whom the inquest had been made, provided that no one had appeared in the interval and brought forward sufficient evidence to show that he was entitled to the estate as the heir of the former owner.[2] The same laxness prevailed in the acquisition of title to soil which had escheated as in the case of ordinary public lands, it being held by force of popular custom that an inquest like a survey conferred an absolute interest in an escheated plantation whether a patent had been obtained for it or not.[3] Many of these plantations amounted in area to one thousand acres, and occasionally exceeded that number. Whoever secured possession of them was required to pay a fine of composition of two pounds of tobacco an acre.[4]

The confusion in which titles to plantations in the Colony was often involved is revealed in a striking light by the fact that it became a general habit among those who were appointed to settle the estates of persons who had died intestate, to convey the lands thus coming into their possession as if the absolute fee simple was in themselves, thereby preventing in many cases the operation of the law as to escheats.[5] So far was this carried and so

[1] Beverley's *History of Virginia*, p. 198; Howard's Answer to the Virginia Petition, *British State Papers, America and West Indies*, No. 512; *McDonald Papers*, vol. VII, pp. 221, 222, Va. State Library. See Commission of an Escheator, *Virginia Magazine of History and Biography*, vol. I, p. 238.

[2] Beverley's *History of Virginia*, p. 227; Hartwell, Chilton, and Blair's *Present State of Virginia*, 1697, p. 19.

[3] *Letters of Governor Spotswood*, vol. II, pp. 35, 36.

[4] Beverley's *History of Virginia*, p. 227.

[5] Hening's *Statutes*, vol. II, p. 137.

great would have been the personal hardship which might have followed if the escheator of each county had been directed to make the most rigid inquests of all such lands, and to return the certificates to the Secretary's office as a basis for new patents, that the Governor and Secretary entered into a formal composition with the holders, which was approved by the General Assembly, that where an individual had for two years been in the enjoyment of a tract which properly should have reverted to the King, he was to be granted a clear title upon the payment of a hundred pounds of tobacco for every fifty acres in his possession, in addition to fees charged for the conveyance in the clerk's office. He was, however, required at first to enter his petition before the expiration of two years, but afterwards in eight months, and if he failed to do so, he was to be forever estopped.

No account of the system of land tenure in Virginia in the seventeenth century would be complete without some reference to the regulations in force in the Northern Neck. All that portion of the Colony situated between the Potomac and Rappahannock Rivers, extending as far towards the west as the heads of these important streams and towards the east as Chesapeake Bay, was in 1661 granted by the King to Lord Hopton, Earl of St. Albans, Lord Culpeper, Lord Berkeley, Sir William Morton, Sir Dudley Wyatt, and Thomas Culpeper. The only conditions attached to the conveyance of this domain, which was equal to a principality, were that one-fifth of all the gold and one-tenth of all the silver discovered within its limits should be reserved for the royal use, and that a nominal rent of a few pounds sterling should be paid into the treasury at Jamestown each year. In 1669, the letters patent were surrendered by the existing holders and in their stead new ones were issued. Among

the other powers now conferred on the beneficiaries, was the right to put in operation in the boundaries of their vast property any form of land tenure in use in England, but they were particularly enjoined to refrain from infringing upon any contracts or conveyances made by the Governor and Council of the Colony previous to September 29th, 1661, under the authority of which, persons were now in actual possession of lands in the Northern Neck. All fees, remainders, reversions, and escheats which should arise were to belong to the grantees named in the letters patent of 1669. The terms of these letters required that the whole area included in this magnificent gift should be planted and inhabited by the end of twenty-one years, but in 1688 this provision was revoked by the King as imposing an impracticable condition. All the rights and privileges conferred by the grants of 1669 were in 1688 confirmed to the second Lord Culpeper, who was now the sole proprietary.[1]

In exercising his rights in the Northern Neck, the proprietary acted in the person of his agent, who in turn could delegate his powers to subordinates. In April, 1684, a memorial was presented to the Governor by the planters of this part of the Colony, asking that their holdings in land should be secured to them by patent. It was referred to the King and had a favorable result.[2] After this, the agent of the proprietary was authorized to issue patents, reserving a quit-rent of two shillings upon every two hundred acres transferred by him, which was required to be settled in English coin, Spanish pieces of eight at a valuation of five shillings apiece, or in merchantable tobacco if metallic money was not to be procured. When

[1] *Patent Rolls 21*, Car. II, Part IV, No. 6. From Culpeper, these rights and privileges descended by marriage to the Fairfax family.

[2] Hening's *Statutes*, vol. III, p. 26.

the quit-rents remained unpaid for a period of three years, the proprietary was restored to the possession of the land conveyed under patent.

There was a very notable difference in the means of obtaining a grant in the Northern Neck as compared with the means of obtaining one in other parts of the Colony. The common basis of the patent sued out in the country lying south of the Rappahannock was, as has been seen, the head right. The head right was unknown as a condition of tenure in the Northern Neck. There, a system of purchase was in operation. The scale of prices was five shillings for every hundred acres in a tract under six hundred, and ten shillings for every hundred acres in a tract exceeding that number. This money was required to be paid within six months after the patent had been signed and sealed. It was allowable to present its equivalent in tobacco; in 1690, the rate of valuation was six shillings for every one hundred pounds of that commodity.[1]

It was stated by Howard, in replying to the declaration of the House of Burgesses in opposition to the imposition of a fee for affixing the seal to all public instruments, that to obtain the smallest estate in the Northern Neck, an expenditure of at least twenty shillings was necessary, and in the case of some lands, not less than forty shillings.[2]

One of the most notable consequences of adopting in the Northern Neck the system of granting patents upon payment of a few shillings for each one hundred acres, was the frequent concentration into a single ownership, under the same patent by a single purchase, of enormous tracts of land, situated in that part of Virginia. Fitz-

[1] *Records of the Northern Neck* (Va. Land Patents), vol. 1690–1694, p. 1.

[2] Howard's Reply to Virginia Petition, 1689, *British State Papers, America and West Indies,* No. 512; *McDonald Papers*, vol. VII, p. 221, Va. State Library.

hugh possessed there in one body nearly twenty thousand acres, while Hayward held thirty thousand.[1] The manner of securing these extensive areas of ground was probably the same as that which Fitzhugh had determined to follow in the instance of a projected acquisition in 1689; in this year he offered to enter into an agreement with the agent of Lord Culpeper, which would have assured for himself one hundred thousand acres by the purchase of the quit-rents in this extent of soil for a period of ten years.[2] On another occasion, he proposed to buy all the rents and profits in a tract covering twenty-eight thousand acres, the price which he suggested being 26,880 pounds of tobacco at a valuation of six shillings an hundred pounds.[3] On account of the great area of uncultivated ground which the adoption of the system of purchase tended to maintain even after the soil had passed into private ownership, there was in the Northern Neck a larger quantity of lands abandoned than in the older parts of the Colony.

The recording of ordinary conveyances began at an early period in the history of the Colony. In October, 1626, the rule was laid down by the General Court that the documents in all sales of lands in Virginia should be brought to Jamestown, and enrolled in that court in the space of twelve months and a day following the date of each.[4] There will be found in the first volume of land patents previous to 1630, many entries of bills of sales of estates which are mere deeds of conveyance passed by a private grantor to a private grantee. The regulation looking to the establishment of courts in other places

[1] *Letters of William Fitzhugh*, April 1, 1689.
[2] *Ibid.*, Proposal to Spencer, April, 1689.
[3] *Ibid.*, June 25, July 10, 1683.
[4] General Court Orders, Oct. 13, 1626, *Robinson Transcripts*, p. 56.

beside Jamestown was adopted in 1623, when the Assembly provided for the erection of courts in Charles City and Elizabeth City.[1] In what year it was required to enter a deed of record in the counties, it is now difficult to say, but it was probably contemporaneous with the creation of the County Courts. In the earliest of the county records, copies of conveyances are to be discovered.

It became a settled principle in later times, that no estate was to pass unless the deed had been acknowledged before the Governor and Council, or the justices of the county in which the land to be conveyed was situated.[2] One of the principal objects had in view in the adoption of this regulation was to protect the interests of creditors from the operation of a secret transfer of title. It was provided that the deed should be entered before the end of six weeks following its delivery, and it remained without validity for four months after it had been properly acknowledged.[3]

[1] Lawes and Orders, *British State Papers, Colonial,* vol. III, No. 9; *McDonald Papers*, vol. I, p. 96, Va. State Library. The first reference made to the existence of monthly courts will be found in the "Briefe Declaration of the Plantation of Virginia during the first Twelve Years," *British State Papers, Colonial*, vol. III, No. 21, I. It is as follows: "Monethly Courtes were held in every precinct to doe justice in redressing of all small and petty matters, others of more consequence beinge referred to the Gov^r. Counsell and Generall Assemblie." This was in 1619. *Colonial Records of Virginia,* State Senate Doct., Extra, 1874, p. 81. See also *Works of Capt. John Smith*, p. 571.

[2] Hening's *Statutes*, vol. II, p. 512.

[3] Persons who are interested in the system of land tenure of New England as well as of Virginia in the colonial age, will find one of the most important land laws of New England discussed with clearness and learning in a paper by Prof. Charles M. Andrews of Bryn Mawr College, Pa., entitled the "Connecticut Intestacy Law," which appeared in the Yale *Review*, November, 1894. This paper has been reprinted in pamphlet form.

CHAPTER IX

SYSTEM OF LABOR: THE SERVANT

In the preceding chapters I have described the modes of acquiring a patent to land, and the general use which was made of the soil. I have come now to an examination of the system of agricultural labor prevailing in Virginia in the seventeenth century, the means employed in securing servants and slaves, the laws applicable to this part of the population, the duties which they were called on to perform, their character and manner of life, and their influence upon the economic destinies of the Colony. Of these two great classes, the servants are entitled to be considered first, not only because they exceeded the slaves in number throughout the period to which my attention is confined, but also because they were introduced at an earlier date. When the Dutch ship in 1619 arrived with its memorable cargo of negroes, that section of the community which was known as servants made up a very large proportion of the whole population, and this proportion was steadily maintained until the end of the century was nearly reached, when the number of imported slaves approximated the number of imported English servants. In 1625, there were about four hundred and sixty-four white servants in Virginia, but only twenty-two negroes.[1] In 1671, there were six thousand servants and two thousand

[1] Census of 1624-25, Hotten's *Original List of Emigrants 1600-1700*. p. 201.

slaves.[1] In the course of the last twenty years of the century the demand for slaves increased, and they rapidly advanced in importance from a numerical point of view, and continued to do so until the termination of the colonial era. Until the middle of the seventeenth century, however, they played but a small part in the economic life of the community in comparison with the white servant. The latter was the main pillar of the industrial fabric of the Colony, and performed the most honorable work in establishing and sustaining the earliest and, in some respects, the greatest of the English settlements in America.

The term "servant" has been misinterpreted in modern times in the light of the menial signification which the expression has gradually acquired.[2] The members of this class in Virginia in the seventeenth century included all who had bound themselves under the provisions of an agreement, embodied in a formal legal document, or, in the absence of an indenture, according to the universal custom of the country, which had the force and sanctity of law, to continue for a prescribed time in another's employment. The term was applied not only to those who had contracted to work as agricultural laborers, or as artisans and mechanics, but also to those who were seeking to obtain, under articles of apprenticeship, a knowledge of one of

[1] Governor Berkeley's Replies to Interrogatories of Commissioners, 1671, Hening's *Statutes*, vol. II, p. 515.

[2] This is also true of the word "transportation," which has acquired a secondary meaning in its association with criminals. In the seventeenth century to "transport" was simply to "convey," and it was used indiscriminately of all classes in connection with the passage from Europe to America. The following sentence from the will of Richard Lee illustrates this: "My will and earnest desire (are) that my good friends will with all convenient speed cause my wife and children, all except Francis, if he be pleased, to be transported to Virginia" (1664–65). *New England Historical and Genealogical Register*, January, 1892, p. 69.

the learned professions. In 1626, Richard Townsend, in a suit of law against Dr. John Pott on the ground that Dr. Pott had not instructed him in the apothecary's art according to the conditions of his indenture, described himself as the servant of that physician, who was so distinguished in the early history of Virginia.[1] Nor did the term necessarily imply an humble social origin. Adam Thoroughgood, a man of wealth and influence in the Colony towards the middle of the seventeenth century, and who was referred to as "gentleman" in the patents he sued out,[2] a designation to which he was entitled not only on account of his general character and position, but by his social connections in England, came to Virginia as an apprentice or servant. In making his will in 1666, Sir Robert Peake, a well-known citizen of London, devised three hundred pounds sterling to George Lyddall, his cousin, at that time in Virginia, to whom he alludes as his "sometime servant."[3]

In 1671, there was presented to the Council of Maryland a petition from Elias Nuthall, son of John Nuthall, who was described as "gentleman," being formerly a citizen of that Colony, but at this time deceased, in which he stated that he was living in Virginia, where he was bound over as a "servant" under the provisions of an indenture. He prayed that his share in his father's estate, which seems to have been one of considerable value, should be transferred to him in order that he might use a part of it at once in purchasing his freedom. In the end, the

[1] General Court Orders, Oct. 9, 1626, *Robinson Transcripts*, p. 52.

[2] *Va. Land Patents*, vol. 1623–1643, p. 160.

[3] *New England Historical and Genealogical Register*, for October, 1883, p. 379. There is a case recorded in York County of a similar character. One brother, John Fleming by name, binds himself as the "voluntary servant" of another. See *Records of York County*, vol. 1694–1702, p. 235, Va. State Library.

brothers of Elias Nuthall were compelled to send some one to Virginia to be exchanged for him, an evidence of the pressing demand for laborers in that Colony at this period.[1] Ten years later, William Martin, who resided in England, informed Nicholas Spencer, one of the principal citizens of Virginia, that he had sent over in his vessel, the *Endeavor*, his servant Francis Jones, "a gentleman's son."[2] These instances illustrating the liberal signification of the word "servant" in its relation to the emigrants in the seventeenth century, might be swelled in number by other instances equally to the point.[3]

I propose to confine myself now to the servants who guided the plough or wielded the spade, the hoe, or the axe, deferring consideration of the artisan and mechanic, who were under indentures, to that portion of my work which bears upon the condition of the manual trades. In that age of small private fortunes, domestics were comparatively unimportant in number, and were probably, with hardly an exception, women. It was the servants who took part in the tasks of the field and workshop who were of supreme value, and they were acquired as rapidly as the means of the landowners permitted.

There were two powerful influences at work in the seventeenth century to increase the number of servants in the Colony who were engaged in the performance of agricultural tasks. One of these influences was to be observed exclusively in England, the other in Virginia, and though entirely distinct in themselves and separated

[1] Archives of Maryland, *Proceedings of Council*, 1667–1688, pp. 98, 103.

[2] *British State Papers, Colonial Papers*, August, 1687; *Sainsbury Abstracts for 1687*, p. 54, Va. State Library.

[3] In the *Records of York County*, vol. 1664–1672, p. 116, Va. State Library, there will be found an instance in which the attorney of Richard Longman, a merchant of London, is referred to as his "then servant."

in the fields of their operation by thousands of miles of ocean, nevertheless, they were equally promotive of the introduction of agricultural laborers. The two complemented each other, for while the one prompted this class to abandon the mother country, the other induced the same class to make a settlement in the Colony.

The long interval between 1600 and 1700, was a period in which the most momentous principles of free government were contended for on the battle-field and in the council-chamber, and permanently secured as a part of the inalienable rights of the Anglo-Saxon race, but a hundred and fifty years were to pass before the English laborer was to feel in his daily life the beneficent influence of these hard-won victories. It was a period of scientific activity which in time was to lead to a vast improvement in the economic condition of every class in the English communities by the wiser use of all the powers and resources of nature, but as yet the position of the workingman remained unaltered. The expanding commerce brought him little advantage. The new countries which the English explorers were opening up offered a virgin field, it is true, but it was a field which could only be reached by first enduring all the pangs of exile, — grievous enough even for those who are flying from intolerable evils.

Under the provisions of the statute 5 Eliz., C. 3, no one was permitted to follow a trade unless he had first served an apprenticeship, and all not otherwise employed were required to take part in husbandry. The practical effect of this regulation was to establish a privileged class of artisans who were assured of steady and remunerative labor, while the masses of the people were thrown upon agricultural work as their only means of obtaining a livelihood, the rates of wages being laid down by the justices

at the quarter sessions. The rapid growth in the number of the poor led to the passage of the 43 Eliz., C. 9, which provided for the indigent under certain conditions at the public expense, and this statute was still in force in 1662, when the 13 and 14 Charles II, C. 12, became a law. It had been enlarged in the interval only so far as to allow poor children to be bound out as apprentices in different trades by the local authorities, a power which, as we shall see, was exercised in connection with Virginia, especially during the existence of the Company.

Although 43 Eliz., C. 9, provided for regular assessments for the benefit of the poor, yet during the first forty years which followed its passage, either no rates were levied for this purpose, or the amount collected was so small that many individuals among the working classes perished from want. Indeed, the burden imposed was so heavy that the taxpayers were slow to accept it. In 1622, a number of English parishes turned loose upon the country so great a swarm of idle or disabled laborers as to threaten a dangerous pestilence of vagabonds, who, however willing to work, were unable to find employment. The evil was not confined to one or more communities, but was in various degrees common to all England. Each parish, as a means of self-protection, was compelled to adopt the most stringent measures to prevent such persons, belonging to other parts of the kingdom, from overflowing into its own boundaries. The statute 13 and 14 Charles II, C. 12, was passed to give legal sanction to these measures, and this statute was supplemented by 1 Jas. II, C. 17, to make its provisions more effective. By the terms of these laws, two justices of the peace, on complaint of the church wardens or the overseers of the poor, within forty days after the arrival of a new comer, were empowered to require of him security that he would not become bur-

densome to the parish to which he had removed. To prevent him from obtaining a legal residence by clandestine settlement during the forty days, he was compelled to give notice to the same officers as to the place of his abode and the number of persons in his family. His legal residence began only from the delivery of this notice. The effect of these statutes was to confine the great body of the English laborers to their native parishes, and thus not only to put a restriction upon their personal liberty, but also to diminish and even destroy their ability to improve their condition. So small were the wages allowed by the justices, that each parish was forced to levy additional taxes to obtain the means of meeting the charges resulting from the number of families who were unable to earn entirely their own support.[1]

Even if we allow for the greater purchasing capacity of money in that age as compared with the present, the remuneration of the laboring classes appears exceedingly small. According to the rates adopted by the county of Rutland in 1610, three years after the foundation of Jamestown, rates which continued in force until the beginning of the Civil War and were restored in 1682, the annual wages of a ploughman were fifty shillings; of an ordinary workingman, forty shillings; of women who had been taught to bake and brew, twenty-six shillings and eight pence; of a common female drudge, sixteen shillings; of girls under sixteen, fourteen shillings. A mower of the average strength, who had an allowance of meat, received five pence a day; a male reaper, four pence; a female reaper, three pence; and a female haymaker, two pence. When food was not provided by the employer, the amount of these wages was in each instance doubled. Omitting the period of harvest from consideration, agri-

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 101.

cultural laborers without distinction were paid in the intervals between Easter and Michaelmas three pence a day with an allowance of food, or seven without. From Michaelmas to Easter, on the other hand, the remuneration of the same class was two pence a day if meat were added, and six pence if not. In 1684, the ordinary agricultural laborer in Warwickshire was paid eight pence a day, the artisan one shilling. The wages of the same classes in Suffolk were lower than they had been in the early part of the century. In the interval between 1600 and 1700, the remuneration of the agricultural laborer by the week advanced from five shillings to eight, while the average price of a quarter of wheat, in the interval between 1564 and 1700, advanced from about nineteen shillings a quarter to forty shillings, eleven and one-fourth pence. The price of malt rose to about twenty-two shillings, oatmeal to about fifty-two, and beef to three pence a pound.[1]

It was estimated that the smallest sum upon which a family could be maintained during a period of twelve months was twenty pounds and eleven shillings, including the cost of renting a cottage and the price of the necessary amount of bread, meat, fuel, and clothing.

The annual wages of an agricultural laborer in 1618, were eight pounds, eight shillings and nine pence, and in the interval between 1643 and 1700, fifteen pounds and nineteen shillings.[2] The industry and frugality of a life-time

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, pp. 97, 98, 829, 830. Craik's *History of England*, vol. III, pp. 658, 905–912.

[2] Rogers' *History of Agriculture and Prices in England*, vol. V, pp. 622, 829. It is only proper to say that the wages received did not constitute the only means of subsistence which the laborer in all parts of England possessed. In some parts of the kingdom, the laborer enjoyed in addition (1) the produce of his garden or a large plat of ground; (2) certain rights of commonage; (3) proceeds of bye industries, especially the production of yarn for the flourishing wool manufactures. In my account

would not certainly enable him to purchase security against want in his old age.[1] In the years in which the price of wheat rose high above the average as a result of scarcity, as in 1660, 1681, and 1694, the condition of the agricultural laborer, which was always impoverished, became deplorable because the advance in the cost of bread was not considered in the assessment of wages. The amount received by him for his work was the same in 1610, when wheat sold in the market for thirty-five shillings and two and a half pence a quarter, as it was in 1564, when wheat sold at about nineteen shillings a quarter.[2] In 1684, when the price of wheat was fixed at thirty-seven shillings and four and a half pence by the magistrates of Warwickshire, his wages were increased but one penny a day. The high rents established by landowners in England in the seventeenth century have been attributed to their systematic efforts to cheapen every form of agricultural labor;[3] the smaller the wages of the tiller of the soil, the larger would be the profits of the farmer and the greater his ability to pay the high rent which was the condition attached to his tenure.

Confined to his native parish as to the limits of a

of the general condition of the English laborer in the seventeenth century, which is necessarily very brief, I have followed Professor Rogers. See, however, Professor Ashley's criticism of Rogers' conclusions in *Pol. Sci. Quarterly*, vol. IV, p. 381; see also Hewins' *English Trade and Finance*.

[1] "And now let me turn back and look upon my poore spirited countrymen in England and examine first the meanest, that is the poore ploughman, day labourer and poore Artificer, and I shall find them labouring and sweating all dayes of their lives; some for fourteen pence, others for sixteen, eighteen, twenty pence or two shillings a day; which is the highest of wages to such kind of people, and the most of them to end their dayes in sorrow, not having purchased so much by their lives labour as will scarce preserve them in their old days from beggery." This was in 1649. Bullock's *Virginia*, p. 44.

[2] Rogers' *History of Agriculture and Prices in England*, vol. V, pp. 97, 98.

[3] This is the opinion expressed by Professor Rogers.

prison; receiving wages which had been assessed by landowners who were interested in reducing them to the lowest point, wages which did not furnish an easy subsistence to his family even in years of plenty; compelled to purchase his supplies at prices set by the producers, and exposed to heavy penalties for the smallest infractions of law, it is not surprising that the great class of English agricultural laborers should in large numbers have been prepared to take advantage of the providential opportunity Virginia offered for the establishment of new homes after a service for a term of years in the Colony.

This unhappy condition was not confined to those who sought a livelihood in the fields. In his famous sermon, delivered April 18th, 1622, Copeland declared that some of the most diligent laborers in London had often complained to him with tears in their eyes that although they, their wives and children, rose at an early hour and wore away their flesh throughout the day in the performance of the most exacting tasks, went to bed late and fed upon brown bread and cheese, yet with difficulty they secured food enough to appease their hunger, or clothing sufficient to hide their nakedness.[1] In the statute 13 and 14 Charles II, C. 12, there was a special reference to the great swarms of persons, stricken with the direst want, to be found in the cities of London and Westminster,[2] and the same extreme poverty among the lower classes was equally observable in other towns of England.[3] The con-

[1] Neill's *English Colonization of America*, p. 160. The sermon was entitled: "Virginia's God be thanked or a Sermon of Thanksgiving on Ps. cvii, 23, for the happie successe of the Affayes in Virginia this last yeare." It was preached at Bow Church in Cheapside before "the Honorable Virginia Company," and was published by command of the Company.

[2] See also *Remembrancia of the City of London*, pp. 358, 359.

[3] Eden, vol. I, p. 155; Cunningham's *Growth of English Industry and Commerce*, pp. 206, 207.

dition of the people of Sheffield, in 1615, was perhaps not exceptional. In a survey of its population made in that year, it was discovered that seven hundred and twenty-five of its twenty-two hundred and seven inhabitants were compelled to rely in part upon the charity of their neighbors for a subsistence. Of the two hundred and sixty householders who resided in the town, only one hundred were able to afford relief to the men and women around them who were struggling to keep from starvation; the remainder lived upon such a narrow margin of subsistence that an attack of sickness which continued for a fortnight drove them to absolute beggary. Children only a few years of age were required to work to contribute to the meagre support of their families.[1]

It did not follow that the mass of English laborers in this age were morally degraded because they were exposed to such harsh influences in their daily lives. They belonged to a class of men and women who constituted one of the sturdiest sections of the population even in the seventeenth century, and who, in the nineteenth, compare most favorably both physically and morally with any body of agricultural laboring men in the world. The economic condition of this class in the seventeenth century could not destroy the great qualities that were inherent in the stock from which they sprung, and it only required more enlightened legislation and more wholesome local surroundings to restore these qualities to their original vigor. The work of colonization which has been performed by the people of England surpasses, both in extent and beneficence, that of any other race which has left an impression upon universal history, and the part the manual laborers have taken in this work is not less memorable than the part taken by the higher classes of the nation.

[1] Hunter's *Hallamshire*, p. 148.

In the seventeenth century, there was, as has been seen, a combination of influences to induce this kind of laborers to leave their native land in large numbers. Their poverty was no obstacle to their emigration, because the demand for their services in the Colonies was so great, that there were always persons anxious to bear the expense of their transportation in return for the right of disposing of them for a consideration after arrival.

Nor was there any attempt on the part of the higher ranks in England or the men occupying positions of authority there in that age to obstruct this tide of emigration. The political economists of the seventeenth century regarded the mass of the poor with impatience and aversion as a useless weight upon the welfare of the community.[1] I have already pointed out that one of the strongest motives which entered into the earliest English enterprises looking to colonization of that vast extent of country known as Virginia, was the hope that this new country would furnish homes for the overflowing population of England, and thus relieve the parishes of men and women who, however willing to work, were unable to find employment, and who were, therefore, compelled to rely in part at least upon the charity of others for subsistence. It was not planned that Virginia was to become a place for the retention of those who had been guilty of crime in England, and who in consequence were to be banished from their native land; on the contrary, it was anticipated that the Colony would diminish crime in the kingdom by drawing away a large number of the inhabitants who otherwise might be tempted, by the small opportunities within their reach of earning a livelihood, to drift into vagabondage, beggary, and lawlessness. In this way, it was anticipated that Virginia would be the means of lessening the growing charges im-

[1] Rogers' *History of Agriculture and Prices in England*, vol. V, p. 103.

posed upon every English community by the number of persons crying in the public ear for assistance in the terrible struggle for their daily food. It has been seen how firm the English people were in their determination that England should secure the fullest benefit of the commodities of the Colony, one of the most important objects of its settlement being to open up a country where those articles might be obtained which were then imported into the kingdom from the continents of Europe and Asia at a heavy expense and with a serious risk of total loss. The Navigation Acts not only obstructed the further diversion to foreign ports of the valuable products of Virginia, but fostered that growth in shipping which the foundation of the Colony at Jamestown had been intended to promote. In a later chapter, it will be shown that the mother country also insisted upon a retention of another of the advantages which colonization had been expected, and in reality did create, that is to say, the establishment of a new market for the sale of English manufactured goods. In regarding Virginia, therefore, as a place to which its surplus lower population might be encouraged to withdraw, England was merely seeking to secure still another of those benefits which it had been anticipated would arise from the settlement of the land beyond the sea.

If the conditions prevailing in England in the interval between 1600 and 1700 decidedly promoted the abandonment of the kingdom by a valuable part of its laboring population, the inducements offered by Virginia to this class as a scene for a new start in life were extraordinary. Contemporaneous writers, who were familiar from personal observation with the state of that Colony, have declared that the only thing dear in its communities was labor, and this was as true at the end of the century as it was in the

middle and at the beginning.[1] The reason for the great and continuous demand for laborers throughout this period had its origin in the physical peculiarities of the country. The men who obtained a patent to fifty acres of land there, stood in a much less favorable position than the farmer of modern times who has acquired a homestead right in the soil of a prairie in Illinois, Iowa, or Kansas. In the latter case, the tract when first occupied was entirely denuded of forests and only needed the application of the plough and hoe to produce abundant crops. The family of the owner furnished the whole amount of the assistance which he needed. In Virginia, on the other hand, the very anxiety of the colonists to secure a title to the richest land as promising the heaviest returns in tobacco from cultivation, increased the difficulties confronting them in making a permanent settlement, because the growth of timber was in proportion to the fertility of the soil. This was notably the case in the valleys of the streams, along the banks of which the line of plantations was extended at first. In removing the forest, this being the supreme obstacle to be surmounted, the settler required the aid of others whom he could direct and control in carrying through the work to be performed. The natural character of tobacco, which soon exhausted the most fertile land, demanded the continuation of this assistance even after a large area of ground had been cleared of trees. The person who had sued out a patent to fifty acres of land was in a few years compelled to sue out a patent to an additional tract of the same extent, in order to obtain

[1] Bullock's *Virginia*, p. 63. Culpeper, replying in 1680–81 to the instructions from England requiring him, among other things, to encourage silk husbandry in the Colony, wrote that "he despaired of silk by reason of dearness of labor." Instructions to Culpeper, etc., 1681–1682, *British State Papers, Colonial Virginia*, vol. 65; *McDonald Papers*, vol. VI, p. 171, Va. State Library.

the virgin soil which was necessary for the production of the staple in the largest quantity, in that age when no manures were used in enriching the ground. However small the scale on which he cultivated the earth, his agricultural life consisted largely in a persistent attempt to clear away the forest. When the woods on the first plantation secured had been cut down, and the fertility of the soil exhausted, he proceeded to remove the trees from the face of the second plantation, and this course of taking up and opening new lands was prolonged for an indefinite term of years, unless he should become the owner, by original patent or by purchase, of an extensive tract in one body, furnishing him an ample area for new grounds in its own boundaries. But even under these circumstances, the task of constantly destroying the forest remained. In either situation, he needed the assistance of laborers. Without this assistance, he was helpless. If every owner of land in the Colony had been forced to rely upon himself in eradicating the forest and tilling the soil, the plantation system, which came into existence in Virginia so soon after Jamestown was founded, would never have arisen. The surface of the Colony would have been covered with a succession of small estates, many of which would have fallen into a condition of absolute neglect as soon as their fertility had disappeared, their owners having sued out patents to virgin lands in other localities as likely to yield large returns to the industry of the cultivator. But for the introduction of the indented servant into the Colony upon the threshold of its settlement, its progress would have been slow. Virginia, without laborers from England and without slaves, would have become a community of peasant proprietors, each clearing and working his ground with his own hands and with the aid of his immediate family. The unique social conditions estab-

lished at a later period would never have existed, or indeed, if such had been the case, only in a modified form. As long, however, as there was a surplus of population in all of the English parishes, with so many influences combining to induce them to emigrate, it was inevitable that the Agricultural System prevailing in Virginia would spring into life with all the far-reaching consequences which make up the actual history of the community from the beginning. England at this time was a storehouse from which as large a supply of servants could be drawn as the planters possessed the means to secure. The facilities for their transportation were ample, and the demand for their assistance was continuous from the hour when a stable government was formed. Hardly a year passed during the supremacy of the Company that English laborers were not brought into the Colony, and after its abolition, the stream of emigration grew larger and larger in its volume.

Until the establishment of Martin's and Smith's Hundreds in 1616 by the grant of subpatents, the agricultural servants who were dispatched to Virginia were the property of the Company. In the First Supply, there were twenty-one laborers, and in the Second, twelve. The number included in the Third Supply was doubtless very much larger, as five hundred people took part in the expedition; of these, one hundred and fifty did not arrive in the Colony until the Starving Time had reduced the remainder to sixty helpless men, women, and children. Additions were made to the number by the arrival of the successive expeditions under Delaware and Dale. Absolute freedom was extended to none of those who were in the service of the Company until the departure of Dale; the privilege was then granted by Yeardley to a few, the greater proportion of this class being retained on the

public works subject to the same servitude as they had been accustomed to from the beginning. During the administration of Argoll, the few who received their freedom purchased it at an extraordinary price. The population of the Colony at the close of his administration did not exceed four hundred, which signified a proportionate reduction in the number of agricultural servants.[1]

There is no direct evidence to show what was the exact character of the indentures by which the Company and the servants were mutually bound, previous to the arrival of Yeardley in 1619, but there is no reason to doubt that these agreements, like ordinary indentures at this time, simply required the Company to supply the laborer with food, clothing, and lodging, and probably after the close of his term, with land, in consideration of which he was for a period of years to perform such manual tasks as were set for him. The great value attached to the servant was disclosed in the severe punishment which the first Assembly convening in the Colony directed to be inflicted upon any one who sought to allure him from the employment of his master. By this time, private persons as well as the societies recently formed and known as Hundreds, had begun to import laborers not only for the cultivation of the lands they had acquired, but also to obtain a greater extent of ground

[1] Briefe Declaration of the Plantation of Virginia, *British State Papers, Colonial*, vol. III, No. 21, I; *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, pp. 78, 80. It is stated in the *Works of Capt. John Smith*, pp. 486, 487, that the laborers who had come over to Virginia previous to the departure of Captain Smith were generally mere attendants of the adventurers, that is to say, footmen, but there were also a number of serving men. In a letter from the Council of Virginia to the Council in England, the men in the employment of the Company are referred to as our "waged men," but the expression did not imply necessarily the payment of wages in the modern sense. Brown's *Genesis of the United States*, p. 107.

upon the basis of the head right.[1] Of the eight hundred and eleven servants who in 1619 were introduced into Virginia, six hundred and sixty were designed for private estates, the rest being reserved for the use of the Company. While the disproportion was not always so marked during the remaining years of the existence of that corporation, it was still very notable, since the area of plantations held in fee simple was extended with great rapidity.[2]

The urgent demand for agricultural laborers after the Colony had been firmly established is revealed in the fact that the strongest inducement offered in 1619 by the Company, with the view of promoting the cultivation of silk, flax, and corn in preference to tobacco, was that the magazine would furnish servants in payment for these commodities, but not for tobacco as heretofore.[3]

It is of special interest to inquire how far the Company, in order to supply the demand for laborers, was willing to accept criminal or dissolute persons for transportation to the Colony. To what extent was it ready to admit members of both sexes who, in their native country, were described as idle and wretched, and for whose redemption the settlements in Virginia had in the popular belief been largely founded?[4] In a famous essay, Bacon had condemned in the strongest terms the use of wicked and convicted men, or the scum of the English inhabitants, as material for colonization. It would signify, he said, only the ruin of any plantation in which the experiment was

[1] *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 22.

[2] Declaration of the State of Virginia, p. 10, Force's *Historical Tracts*, vol. III.

[3] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 92.

[4] Velasco to Philip III, Spanish Archives, Brown's *Genesis of the United States*, p. 456.

tried. The author of *Nova Britannia*, who gave expression to the sentiment of the Company, declared in 1609 that all the persons who were sent to Virginia should bear a good character. Poverty, he remarked, was no drawback to the emigrant, as the soil of the new country was so fertile that he would soon be able to acquire a competence.[1] In the spring of the same year, it had been urged in *Good Speed to Virginia*, that particular care should be shown in the selection of the persons who were to be dispatched to the Colony.[2]

The sentiments voiced in these two celebrated pamphlets doubtless reflected very fully the opinion entertained by the Company at large. That body, however, in 1609 acted, as they were again to act in the future, upon a suggestion of the Privy Council in informing the authorities of London, that they desired to relieve the city and its suburbs of the swarms of idlers who in that age were considered to be the principal cause of the famines and plagues with which the metropolis was afflicted. The Mayor, Aldermen, and City Companies, it was thought, would make some contribution for the removal of these persons. That the latter were not expected by the Company to belong to the refuse of humanity appears from the numerous benefits which were to be extended to them and to their wives and children when they reached Virginia, benefits that only men with a sense of order and self-respect could be capable of using to their own advantage, and the advantage of the community in which they were to reside.[3]

If the managers of the Company had for a moment

[1] Nova Britannia, p. 21, Force's *Historical Tracts*, vol. I.

[2] Good Speed to Virginia, Brown's *Genesis of the United States*, p. 301.

[3] Council of Virginia to Lord Mayor of London, Brown's *Genesis of the United States*, p. 253. These benefits were "meate, drinke and clothing, with an house, orchard and garden, for the meanest family, and a possession of lands to them and their posterity."

been inclined to admit to the Colony a population of emigrants accepted without discrimination, of which there is no proof, that disposition had passed away before December, 1609, when the *True and Sincere Declaration* was issued. In that remarkable document, written in the light of so many mistakes and disasters, they proclaimed[1] that it would be a scandal and a peril to accept as settlers, all of whom at this time were to be in the service of the corporation, idle and wicked persons, persons who had been impelled to withdraw to Virginia by shame or fear, persons who represented the "weeds of their native country." "Being the surfeit of an able, healthy, and composed body," it was justly declared that it must follow that, "they would act as poison in the body of a tender, feeble, and yet unformed colony." Casting off, under the pressure of the extraordinary circumstances in which they found themselves, the influence of the English authorities, who not unnaturally looked first to the relief of their own communities, the Company boldly proclaimed that thereafter they would not receive any man who could not show "a character for religion and considerate conduct in his relations with his neighbors." Not content with this, they announced further, that they would accept only those who were trained in the useful callings which they carefully specified. Experience had taught them, it was stated in a broadside issued by the Council, that nothing but damage to the welfare of the Colony would result from granting permission to parents to send their licentious sons to Virginia, or to wives, their shameless husbands, or to masters, their ungovernable servants.[2]

[1] True and Sincere Declaration, Brown's *Genesis of the United States*, p. 352.

[2] A Broadside by the Council, Brown's *Genesis of the United States*, p. 355.

Crashaw, in the celebrated sermon which he delivered before Lord Delaware on the eve of that nobleman's first departure for Jamestown, denounced as a slanderous falsehood the assertion that the persons who were sent out had been raked up out of the refuse of the English population. "They are like those who are left behind," he said, "even of all sorts better and worse."[1]

It is again observable that the next suggestion that members of the classes in England who were "chargeable, dangerous, and troublesome" to the State, should be transferred to the Colony, had its origin not with the Company, against whose repeated proclamations of sentiment it would have been in direct and notorious conflict, but with the Mayor of London in a letter to the Master and Wardens of the City Companies, written at the request of the Privy Council.[2] A few years later, it is not surprising to find that the King was anxious to deliver to the Company a number of youthful vagabonds who had proved incorrigible in spite of punishment, to be conveyed to Virginia, as the only means of cleansing England of their presence.[3]

During the whole of this immediate period, but one officer of the Company of his own motion advanced the proposition that English felons should be banished to Virginia in order to supply the plantations with laborers. Such a proposition was made by Dale to Salisbury in 1611. The act was characteristic of that distinguished officer. Great as were the services which he performed in establishing the Colony upon a broader and more stable footing than it had previously reached, he was essentially

[1] Crashaw's Sermon, Brown's *Genesis of the United States*, p. 364.
[2] Brown's *Genesis of the United States*, p. 688.
[3] The King to Sir Thomas Smyth, Neill's *Virginia Vetusta*, p. 103.

a man of the sternest soldierly instincts, who thought that the infant settlements ought to be governed by military rules as strict as those prevailing in a fort under garrison. Virginia to him was a community to be controlled by the most rigid military discipline. Under such regulations as he insisted upon enforcing, the evil which might be expected to result from the introduction of criminals would necessarily have been very much diminished.[1]

No objection was offered by the Company, as the demand for laborers increased in the Colony, to the reception of persons who were either in part or entirely dependent upon the poor rates for subsistence. In 1620, on motion of Sir Edwin Sandys, a committee was appointed which was instructed to obtain from the justices of the peace in the shires of the kingdom, such youths above fifteen years of age as were a burden upon the resources of their respective parishes. Each of these parishes was to be asked to contribute five pounds sterling towards the equipment of every youth to be delivered by it,[2] this being in accord with the policy already inaugurated in connection with the city of London. In the spring of 1619, the Company dispatched to Virginia one hundred children who had been furnished by the authorities of that great corporation. In the following January, the Lord Mayor consented, after a conference with the Treasurer and Deputy Treasurer, to provide one hundred children additional for shipment to the Colony, and to allow five pounds sterling towards the cost of their clothing and transportation across the ocean. He showed great solicitude to

[1] Letter of Dale to Salisbury, Brown's *Genesis of the United States*, p. 506. It will be remembered that it was Dale who put in force in Virginia the famous Martial Laws.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 91.

obtain for their benefit every advantage which could be secured. The provisions the Company promised to make for them were carefully canvassed by the officers of the city and finally accepted as sufficient. The Company bound itself in writing to educate the children in trades or professions. During the period of their apprenticeship, which, if they were boys, was to continue for seven years, or until the completion of their twenty-first birthday, or if girls, until they were married, they were to receive an ample quantity of meat, drink, apparel, and other necessaries. At the expiration of his term, each boy was to become a tenant, and was to be provided not only with fifty acres of land, but also with a cow, seed corn, implements, tools, utensils, weapons, and ammunition.[1] The anxiety exhibited by the authorities of London with reference to these children was so great, that at a Quarter Court held in November, 1620, Mr. Caswell declared that the city stood more upon an "over-advantageous bargain" for them than it did upon the good of the plantation.[2] As the rule of the Company had been to require the payment of five pounds sterling whenever a youth or child was transported by that body to Virginia to serve as an apprentice, this being the sum necessary to cover all the charges incurred in the conveyance, it was decided, in 1620, to reduce this amount to five marks, because English parents found no difficulty in binding out their offspring at home at that rate, and the payment of five pounds imposed a heavier outlay than they were either willing or able to bear.[3] The city officials distinctly asserted that neither they nor the Company had a right to compel chil-

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 36, 39–41. At the end of his term as tenant, each one of the apprentices was to receive twenty-five acres in fee simple. *Ibid.*, p. 42.

[2] *Ibid.*, p. 96.

[3] *Ibid.*, p. 96.

dren, who were subject to the regulations for the disposal of the poor, to leave England except with their own consent. In requiring that the amplest provision should be made for them upon the termination of their years of service, the authorities of London had regard to the natural anxiety of the parents, that the arrangement concluded with the Company should be such as to ensure the happiness and prosperity of their offspring.[1]

In 1621, it was estimated that the cost of sending fifty boys to Virginia was five hundred pounds sterling, or ten pounds to the boy, this including not only the charges for transportation but also the cost of food and clothing. The Company looked forward to recovering this amount by the sale of the youths, the price which was expected for each one being sixty-six hundred weight of tobacco at three shillings a pound. It was discovered that this quantity did not always meet the expense incurred in the case of each boy, and in this event, the rule was enforced that the purchaser should make good the difference, since it was unjust that the Company should be exposed to any loss when it was considering only the benefit of the planters in undertaking to supply them with servants.[2]

The preference displayed in the introduction of so many young persons had its origin in considerations, the influence of which lasted throughout the century. Boys were not only more easily controlled, but their terms continued for a greater length of time than those of persons who had reached maturity,[3] and in consequence, their masters were not called upon to supply their places so often or so

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 96.

[2] *Ibid.*, vol. I, p. 140.

[3] See Chap. X for a statement as to the length of time covered by the terms of adult servants.

soon. A youth of eighteen or nineteen was capable of performing almost as heavy tasks as a man of twenty-three or twenty-four, and whatever difference of physical strength there might have been in the latter's favor was covered by the advantages accruing from longer service. It must not be forgotten, however, that boys were more easily secured than adults because so many were bound out as apprentices.

The Company showed, in 1621, a willingness to accept men and women belonging to the ranks of the poor, who in that age constituted a serious burden upon the welfare of the kingdom. But one condition was imposed; these persons were to be delivered, supplied by the parish from which he or she came, with a fund which might be counted on as sufficient to cover the expense of clothing and transportation. This proposition had the approval of Parliament. It was regarded as a feasible means of diminishing the multitude of those who were unable to secure a livelihood without the aid of the authorities of the communities in which they lived.[1] That the number of indigent persons imported into Virginia in consequence of this new source of supply was probably small, may be inferred from a statement published at this time, that the men recently sent out were "choice spirits" drawn from all parts of England, and enured from their earliest years to a life of industry.[2]

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 127. For an account of Captain Bailly's project to export annually from the kingdom to the English possessions in America, three thousand poor persons of "the great store who doth lye burdensome in all parishes," see *British State Papers, Dom. Cor. Jas. I*, vol. 189, No. 36; *Sainsbury Abstracts for 1623*, p. 128, Va. State Library.

[2] Declaration of the State of the Colonie, 1620, p. 5, Force's *Historical Tracts*, vol. III. There was no inducement apparent to cause the author of the Declaration to make a false statement.

The determination of the Company to exclude from the Colony the influences which would have followed from the introduction of criminals, is disclosed in its requirement that all who had decided to go to Virginia should give notice of their intention, and that no ship-master should presume to carry out from any port passengers who had not sent in their names.[1] It was stated that no infamous persons had emigrated in the vessels previously dispatched, on account of the vigilance exercised, and this had induced the authorities of the corporation to extend their supervision to the shipments made in vessels belonging to private individuals or to associations. A book-keeper was appointed, upon whom the duty was imposed of registering the age, name, county, profession, and kindred of every one who set out. In every case in which this officer had evidence that a passenger was a malefactor, he was ordered to report the fact.[2] When a private person desired to carry over to Virginia a reprieved felon, it was necessary to obtain the permission of the Company.[3]

There still survive records of the instances in which persons who could be properly described as convicts were sent to Virginia to be used as laborers either in the service of the Company or of private persons; these records are not only few in number, but they also generally reveal the existence of special circumstances. There is no indication of any desire on the part of the English Government at that

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, p. 17. See Instructions to Yeardley, 1618, *Virginia Magazine of History and Biography*, vol. II, p. 164.

[2] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, pp. 17, 18. See, as to previous arrangements of the same character, Instructions to Yeardley, 1618, *Virginia Magazine of History and Biography*, vol. II, p. 164.

[3] *Abstracts of Proceedings of the Virginia Company of London*, vol. II, pp. 10, 11.

time to thrust its hardened criminals on the Colony. When, in 1618, it was sought by the friends of Henry Reade to secure his release from Newgate on condition that he would be removed to Virginia, discouragement was thrown by the officers of the law in the way of their request on the ground that the offence of which he was guilty, robbery on the highway, was so grave that the Privy Council, with whom the final decision rested, would not be disposed to lighten his punishment by granting the privilege of transportation, since this would amount only to condonation of his crime.[1] In the cases in which that body showed a disposition to yield, often strong family influences had been brought to bear, influences singularly powerful in that age. A characteristic instance was that of John Throckmorton, who, in 1618, was imprisoned for stealing a hat valued at six shillings; a petition was entered by a kinswoman that if he was released by the authorities, she would undertake to bear all the expense of his conveyance to Virginia.[2] It is hardly probable that there were many convicts in England whose relatives were sufficiently interested in them to assume the burden involved in the cost of their removal. When the prayer for transportation came from the prisoner alone, the Privy Council was inclined to act with still greater caution before granting it. This appears from the case of John Carter, whose petition, offered in 1622, was allowed for the specific reason that his guilt had not been clearly proven, but admitting that it had been, it was his first offence. He wished to be transferred to the plantations, because he was too poor or too friendless to secure his pardon outright.[3]

[1] *British State Papers, Domestic, Jas. I*, vol. 105, No. 75; *Sainsbury Abstracts for 1618*, p. 7, Va. State Library.

[2] Neill's *Virginia Vetusta*, p. 102.

[3] Petition of John Carter, *British State Papers, Colonial*, vol. II, No. 12; *Sainsbury Abstracts for 1622*, p. 74, Va. State Library.

In some cases, the trade of the criminal led to his transportation. When Samuel Rogers was convicted and sentenced to be hung for manslaughter during the administration of Sir Thomas Smyth, permission was obtained for his removal to Virginia on the ground that he was a skilful carpenter who would be of great use in the Colony, trained mechanics being in demand there.[1]

The prudence exercised by the Company in preventing even dissolute persons from being conveyed to Virginia, that is to say, persons who had been guilty of trivial offences or who led the lives of vagabonds, appears from the conduct of that body with reference to the letter of James I, which was considered in the Quarter Court held October 20th, 1619. In this letter the King had ordered that one hundred persons of dissolute character should be accepted for transportation to the Colony. Action upon this demand was deferred on the ground that shipping was now lacking. This proved unsatisfactory to the King, and the Company were commanded to convey one-half of the persons consigned to them to Virginia at once. A committee was appointed to procure vessels, but in the meanwhile a petition was offered to the Secretary of State, urging that the Company of the Somers Isles[2] should be enjoined to relieve the London Company of a part of the contingent, an indication of the small degree of anxiety which the members felt to secure this class of persons, although the need of laborers in the Colony was growing so rapidly in importance. One objection to receiving them was, that their maintenance would entail a considerable expense before shipping could be made ready for their removal. The disinclination of the Company, however, was not due entirely to fear of the expense which would

[1] *Records of Middlesex, England*, vol. II, p. 224.

[2] The Bermudas.

have to be incurred. In anticipation of its hostility to the scheme of transportation, the Knight Marshal sought to conciliate the sentiment of that body by promising that if the band of "dissolute persons" were sent off to Virginia at once, he would supply the Company with men and women "of the quality and condition" which they desired. A committee was instructed at the Quarter Court assembling December 23d, 1619, to visit Bridewell, where the "dissolute persons" were to be collected by the Knight Marshal and after inspection to select those making the most favorable impression.[1]

One of the most convincing pieces of evidence that the population of Virginia, during the existence of the Company, contained no element that would cause it really to resemble a penal colony in character, is furnished by the report of the census of 1624–25, in which the ages of the servants are given. There were ten persons engaged in cultivating the public lands at Hog Island, and their average age was only twenty. Of the twenty-one persons who were employed on the lands assigned for the use of the Governor at Paspaheigh and on the Main, the average age was twenty-two. This was also true of the thirteen servants of Captain Epes, the fourteen of Captain Roger Smith, and the twenty-three of Samuel Mathews. The average age of the twelve servants of Capt. Pott and the fifteen of William Barry was twenty-five. The average age of the fifteen servants of Captain Blaney and the twenty of Captain Gookin was twenty-four. The average age of the fourteen servants of Captain William Tucker was only twenty-one; of the twenty-nine of Abraham Piersey and the thirteen of William Pierce, twenty-six.[2]

[1] *Abstracts of Proceedings of the Virginia Company of London*, vol. I, pp. 26, 34.

[2] Hotten's *Original Lists of Emigrants 1600–1700.* See chapter on

At this time, the number of servants in the Colony approximated four hundred and sixty-five. The ages of about seventy-four were not given when their names were set down in the census, beyond the fact that in many cases it is stated that they were boys or girls. Of the three hundred and ninety-two whose ages are recorded in the report of the muster, it is found upon an examination of the list that the average age was only twenty-three. There were only thirteen whose respective ages equalled or exceeded forty. One hundred and fifty-four had not attained their twenty-first birthday. Among the members of a great body of indented or apprenticed servants like this, servants who had in the majority of instances barely reached maturity, it is hardly probable that there could have been many representatives of the purely criminal classes of England. It must be remembered also, that these laborers had been brought into the Colony several years before, when they were still younger.

After the revocation of the charter of the Company, there appears to have been no decline in the feeling of hostility with which the public officers regarded the introduction of criminals into Virginia. A remarkable illustration of this feeling is to be discovered in the order adopted by the General Court in 1632, directing that there should be returned to England two maids who had been gotten with child in the course of their voyage to the Colony.[1] It can be easily seen from the tenor of this order, how quickly, if it had been possible to override a command of the English authorities, an injunction would

Musters of Inhabitants in Virginia 1624–25, pp. 201–265. In some few cases the ages of the servants are not stated. These servants are omitted in my general average. Thus Abraham Piersey had four maids in addition to the number of servants whom he is mentioned as possessing; I have not taken them into account, as their ages are not given.

[1] Hening's *Statutes*, vol. I, p. 552.

have been entered by the court to the warrant issued, in 1635, to the sheriff of London to the effect that nine female convicts should be delivered into the possession of Captain Thomas Hill or Captain Richard Carleton for removal to Virginia.[1] The criminals imported subsequent to the dissolution of the Company were not introduced by the English Government, but were brought over by merchants, shipmasters, and planters in the character of ordinary servants. In 1634, Thomas Brice, who was lying at that time in Newgate, having been recommended to the mercy of the King by the judge who had tried him, was ordered to be delivered to whatever sea-captain amongst those bound for Virginia his father should select.[2] In 1635, John Talford, who had been convicted of stealing a mare, was granted to William Gibbs, on condition that Gibbs should carry him to the same country. In addition to the nine female convicts delivered to Captain Hill or Captain Carleton in 1634, to whom reference has already been made, there were five male felons. William Drysdale, in 1636, received six condemned men for shipment on his own account to the Colony.[3] How negligent some of the persons were who acquired a property in these felons is shown in the case of Richard Ingram, who had been consigned to Lewis Edwards. Although Edwards had been commanded to transfer Ingram to Virginia, the latter appears to have been allowed to remain so long in England that he was arrested and brought up for execution

[1] Warrant to the Sheriffs of London and Middlesex, *British State Papers, Domestic, Chas. I, Docquet; Sainsbury Abstracts for 1635*, p. 120, Va. State Library.

[2] King to Sheriffs of London, *British State Papers, Colonial, Domestic Cor. Chas. I*, vol. 272, No. 63; *Sainsbury Abstracts for 1634*, p. 76, Va. State Library.

[3] *British State Papers, Colonial, Domestic, Chas. I, Docquet; Sainsbury Abstracts for 1635*, pp. 120, 157, Va. State Library.

on the ground that, in failing to depart, he had exposed himself to the penalty of death, which was the punishment originally prescribed for his crime. In 1638, six prisoners who had been granted to William Fleneman of London to be dispatched to the Colony, were informed that if they lingered in England twenty days after they had been released, or if they should return to that country without permission, they should be seized and hung.[1] The crimes for which the prisoners sent out as servants had been condemned were often of a widely different nature. John Haydon, who asked while an inmate of Bridewell that he should be allowed to transport himself to Virginia, had given offence by persisting in "preaching abroad";[2] Henry Robinson, on the other hand, who was bound to James Place, an emigrant to that Colony, had been convicted of piracy, but owing probably to extenuating circumstances had been reprieved.[3]

There are many strong indications to sustain the belief that the disposition of the English authorities to substitute in many cases transportation for death arose from the fact that it was shocking to the sentiments of the magistrates, even of that age, to carry out with pitiless rigidity the criminal code then in force. At this time, there were three hundred crimes in the calendar for which capital punishment was inflicted.[4] It seemed to be too harsh a punishment to impose death for the smallest offence.

[1] *British State Papers, Colonial, Domestic Cor. Chas. I*, vol. 284, No. 42; *Sainsbury Abstracts for 1636*, p. 91, Va. State Library; *Domestic Cor. Chas. I, Docquet; Sainsbury Abstracts for 1638*, p. 64, Va. State Library.

[2] *Ibid.*, vol. 261, fol. 243; *Sainsbury Abstracts for 1635*, p. 117, Va. State Library.

[3] Petition of Henry Robinson, *British State Papers, Colonial*, vol. VIII, No. 93; *Sainsbury Abstracts for 1635*, p. 144, Va. State Library.

[4] Brown's *Genesis of the United States*, p. 529.

Transportation was a compromise on the part of the English judges with the more humane feelings of their nature. As long as the felon was in England, unless he was pardoned outright, he had to be made subject to the extreme penalty. The law prescribed the punishment of death, and the law had to be enforced. The judges may not have thought all the circumstances of a crime such as to justify them in recommending the criminal to royal mercy; at the same time, there may have been extenuating incidents among these circumstances which rendered them reluctant to apply the extreme punishment permitted by statute. It is doubtful whether a single convict was imported into Virginia, previous at least to 1650, whose case when tried in the English courts was not marked by circumstances in mitigation of its criminality. In 1661, a special committee was appointed by the Privy Council to consider, among other things, "how felons condemned to death for small offences" might be disposed of for the use of the English Plantations, and they recommended that the justices of the peace should be granted the power to distribute among these Plantations "all people of a loose and disorderly habit of life" who were a charge upon the parishes in which they were found.[1] During the first years following the Restoration,

[1] Minutes of the Council for Foreign Plantations, *British State Papers, Colonial*, vol. XIV, No. 59, pp. 30, 31; *Sainsbury Abstracts for 1661*, p. 8, Va. State Library. See House of Lords Calendar, 1663-64, March 28, for draft of an act for transporting persons convicted of felony within clergy or of petty larceny, beyond seas: "Persons convicted of felony who have benefit of clergy may now be burnt in hand and detained prisoners for any length of time not exceeding one year, and any women convicted of stealing any money or goods above the value of twelve pence and under the value of ten shillings may be branded in the hand and further punished by imprisonment, whipping, or sending to the House of Correction for any time not exceeding one year, but as it has not been found that these punishments prevent persons from committing

the number of men and women of this character introduced into Virginia was perhaps somewhat larger than it had been in the previous, or probably than it was destined to be at any time in the subsequent, course of the seventeenth century. This population is stated to have been drawn from the ranks of poor, idle, debauched, and condemned persons.[1]

It was not long before the apprehensions of the people of the Colony were aroused. In 1667, eighteen convicts were withdrawn from Newgate and transported to Virginia,[2] but so large an introduction of condemned prisoners excited attention at once and led to a protest, which revealed how objectionable to the inhabitants this element of population was. The counties of York, Middlesex, and Gloucester were especially earnest in their opposition to the importation of "jail-birds." They had not yet forgotten the attempt to subvert the laws, liberties, and religion of the people, instigated in 1663 by certain soldiers of Cromwell, who had suffered banishment to the Colony after the Restoration and had been compelled to act as servants. In accordance with this feeling, the General Court, in April, 1670, prohibited the introduction of English felons after January 20th, 1671.[3] In 1670, Cap. 10 of 22 and 23 Charles II was passed, which made the arson of corn-stacks and the malicious

the like crimes again, the bill provides that such offenders may at the discretion of the Judge or Justices be delivered to any merchant, planter or adventurer or other person (willing to take them) to be transported to Jamaica, Virginia or any other English plantation beyond the seas, there to serve for not less than five nor more than nine years." This bill had been introduced the previous session, but was not reported from committee; it was revived and again dropped. *Royal Hist. MSS. Commission,* Seventh Report, part I, p. 175.

[1] *British State Papers, Colonial Entry Book*, No. xcii, pp. 275–283.

[2] Neill's *Virginia Carolorum*, p. 329.

[3] Hening's *Statutes,* vol. II, p. 510.

killing of cattle capital offences, but allowing the persons guilty of these crimes the alternative of being shipped to the English Plantations. Before the operation of this statute could have increased the number of convicts among the servants of Virginia, a royal order, confirming the previous order of the General Court at Jamestown, announced that the importation of Newgate criminals was to cease, and that this rule was to apply to all the Colonies. The order was read in the General Court on April 6th, 1671, and in pursuance of its commands, that body proclaimed that shipmasters and merchants should not be permitted to land servants from their vessels while riding in the waters of Virginia, until the collectors had made inquiry and found that these persons had not been guilty of violating the royal instructions.[1] Mr. Hugh Nevitt, a merchant, disregarded these instructions by introducing ten "jail-birds," and was at once called to account for his action. An order of court was passed that he should not be suffered to leave Jamestown until he had offered good security for the removal of the whole number of the criminals from the Colony before the end of two months. The planters who had purchased them were commanded to deliver them up, and Nevitt was required to return in its original form the consideration which he had received for his human merchandise.[2] Captains Bristow and Walker became securities for his performance of the order of court to send out the "jail-birds," and they were compelled to bind themselves in the enormous amount of one million pounds of tobacco, an unmistakable indication of the earnest spirit in which that order had been passed. The motive of the General Court was not one merely of apprehension lest the dangerous conspiracy of 1663 might be repeated, but a reason-

[1] *Records of General Court*, p. 52. [2] *Ibid.*, p. 93.

able fear that the Colony might be injured in reputation by the belief which would arise in England that Virginia was a place only fit for the residence of the basest and most despicable class of persons.[1]

How important this matter was considered to be by the Virginians appears from their grateful feeling towards Arlington for assisting in securing the English Government's approval of the order passed by the General Court, prohibiting the further importation of convicts into the Colony, and Ludwell was careful to impress upon that nobleman the fact that the safety and prosperity of the people were dependent upon the continuation of this approval.[2] In 1682, the Commissioners of Trade and Plantations entered a memorandum that no felon should be sent to any of the English foreign settlements unless he furnished security in one hundred pounds sterling that he would not return in four years.[3] The amount of this security was so large that if the Privy Council had adopted the suggestion, it must have seriously diminished the number of criminal persons introduced into the Colonies. Not many merchants who supplied Virginia with servants would have been willing to incur the risk of such a heavy loss by offering the security in their own names. Few convicts were in a position to give so large a bond on the basis of their own property, and their rela-

[1] Hening's *Statutes*, vol. II, pp. 510, 511. "Nor hath it been a small motive to us to hinder and prohibite the importation of such dangerous and scandalous people since we thereby apparently loose our reputation whilst we are believed to be a place only fitt to receive such base and lewd persons."

[2] Letter of Secretary Ludwell to Arlington, *British State Papers, Colonial Papers*, July 17, 1671; *Sainsbury Abstracts for 1671*, p. 178, Va. State Library.

[3] Memorandum of the Lords of Trade and Plantations, *British State Papers, Colonial Entry Book*, No. 97, p. 83; *Sainsbury Abstracts for 1682*, p. 204, Va. State Library.

tives must have shown little alacrity in coming to their assistance.

The larger proportion of the servants in Virginia in the seventeenth century who were imported into the Colony after being guilty of offences against the law in England, were simply men who had taken part in various rebellious movements. This class of population, so far from always belonging to a low station in their native country, frequently represented the most useful and respectable elements in the kingdom from which they came; it was no crime for Irishmen to defend their soil against the tyrannical intrusion of Cromwell, or for disaffected Englishmen and Scotchmen to rise up against the harsh and cruel measures of Charles II and James II. It was the men who loved their homes and were devoted to their church that led these movements, and their followers, in spite of ignorance and poverty, shared their courage, their steadfastness, and their patriotism. Banishment as a punishment for political offences seems to have been first employed by the authorities of the Commonwealth. It was enforced only in those cases in which, according to the strict provisions of the law, death could be inflicted, and it was, therefore, in mitigation of the extreme penalty. Even a disciplinarian as stern as Cromwell shrank from the slaughter of all the prisoners who were taken with arms in their hands. After the fall of Drogheda in September, 1649, the officers were deliberately butchered in cold blood, every tenth man was shot, and the survivors were shipped across the Atlantic. In the winter of 1649–50, two vessels set out from London having on board a number of political prisoners who were designed for the plantations in Virginia.[1] After the defeat of Charles II at Worcester, his soldiers who were

[1] *Interregnum Entry Book*, vol. 146, pp. 123, 140.

seized on that occasion were disposed of to merchants, and at least sixteen hundred were thus conveyed to America. The Parliamentary fleet in which they were transported sailed first to Barbadoes,[1] and there it is probable that most of this living cargo were disembarked. We have certain information of the arrival of only one hundred and fifty Scotch servants in the Colony when the fleet arrived in 1651.[2] In 1653, the Council of State gave permission to Richard Netherway of Bristol to export from Ireland one hundred Tories who were to be sold as slaves in Virginia.[3] Among the names to be found at this time in the lists of head rights entered in land patents, Irish patronymics are observed to be extremely numerous. Batches of the unfortunate natives of Ireland were now imported. In a patent granted to Colonel Anthony Ellyott in 1655, the head rights were of Irish origin exclusively; this characteristic is also to be observed in patents to John Smithy, to Richard Lee, to Edmund and Littleton Scarborough, to John Woodward, and to others, bearing the same date.[4] These Irishmen were for the most part introduced by merchants and sea-captains, who, after obtaining the certificates of head rights, assigned them to different planters. In 1655, the year in which the importation was the largest in volume, Richard New acquired by patent seven hundred and fifty acres of land by rights transferred to him by Captain Barrett, who had brought over fifteen Irish natives.[5]

[1] *Interregnum Entry Book*, vol. 50, pp. 74, 75; 42, 69.

[2] Winsor's *Narrative and Critical History*, vol. III, p. 537. Scotch names are now frequently observed in the lists of head rights in the *Va. Land Patent Books*, and in inventories of estates. See an instance of latter in *Records of Lower Norfolk County*, original vol. 1651–1656, f. p. 53.

[3] *Interregnum Entry Book*, vol. 98, p. 405.

[4] See *Va. Land Patents for 1655*.

[5] See a long list of Irish names appended to a patent obtained in 1656 by Tabitha and Matilda Scarborough. *Va. Land Patents*, vol. 1655–1664, p. 35.

Edward Penruddock and George Duke, who took an active part in the uprising which occurred in Salisbury in 1655, were discharged from prison and suffered to withdraw to Virginia on condition that they would make no further attempt against the government of Cromwell.[1] It is not improbable that some of their followers were also banished thither, although the majority of them were transported to the West Indies. When the monarchy was restored, a large number of political and religious offenders, the persecution of the non-conformists having been revived, were sent to the Colony. In October, 1662, the sheriff of London was commanded to deliver to Captain Foster, who was then on the point of sailing, the prisoners whose names were given in the list presented with the warrant.[2] The number of these offenders living in Virginia, in 1663, as servants was sufficiently great to give rise to a conspiracy among persons of this description, the object of which was not merely their own emancipation, but the subversion of the religion and form of government that had the countenance of the people at large.[3]

The number of political offenders among the laborers of Virginia previous to 1670 could never have been great, as Governor Berkeley, in 1671, estimated the whole population of servants at only six thousand.[4] In 1678, when

[1] *Interregnum Entry Book*, vol. 104, p. 481. The word "Virginia," used in the English records of this age as representing the point of destination for shipments of various kinds from England, was often intended to cover the West Indies also. *Royal Hist. MSS. Commission*, Thirteenth Report, Appx. part I, p. 605. The expression "Continent of Virginia" appears very frequently late in the seventeenth century.

[2] Warrant to the Sheriffs of London, *British State Papers, Colonial Papers*, Oct. 16, 1662; *Sainsbury Abstracts for 1662*, p. 36, Va. State Library.

[3] Hening's *Statutes*, vol. II, p. 510.

[4] *Ibid.*, p. 515.

the uprising in Scotland had been suppressed with a merciless hand, a considerable proportion of the prisoners were shipped to America. The King in that year addressed a letter to Lord Culpeper, ordering him to permit Ralph Williamson to bring into the Colony and to dispose of fifty-two persons, who had been banished from Scotland for being implicated in the insurrectionary movements which Claverhouse succeeded in putting down with so much cruelty, and Culpeper was still further directed to suffer Williamson to land all others guilty of the same offences in Scotland, who might hereafter be delivered to him.[1] It is a notable feature of these instructions, that Charles commanded his representatives in Virginia to treat as invalid the law prohibiting the importation of felons who had been convicted in the English courts, and to sweep away all hindrances which might be opposed to the execution of the royal wishes. This would seem to indicate that the King anticipated objection on the part of the people to the introduction even of political offenders, an element of population having, as a rule, superior intelligence and training, and comparing most favorably in character with the great body of the agricultural servants of the Colony. In 1685, when the rebellion, led by Monmouth and sustained by a large number of English farmers and laborers, had been crushed at Sedgemoor, a circular was issued to all the Governors of the English possessions, directing them to receive the different batches of rebels sent out of the kingdom, and not to allow them to return or to redeem themselves by the payment of money until the terms for which they were sentenced had expired. Lord Howard, who was at the head of affairs in Virginia at this time, received a copy of this

[1] King to Lord Culpeper, *British State Papers, Colonial Entry Book*, No. 95, p. 166; *Sainsbury Abstracts for 1678*, p. 193, Va. State Library.

order, and he was instructed to have a bill introduced in the Assembly to confirm it.[1] After this, no attempt was made in the seventeenth century to thrust upon the Colony the presence of men who had been condemned in England for political offences.

The same reasons which led the landowners during the existence of the Company to prefer youths as servants continued to influence them when that corporation had been abolished. The author of the *New Description of Virginia* merely gave expression to the general feeling of the planters when he stated that the laborers who were most desired were persons who had just passed their sixteenth year, and all the evidence confirms the correctness of his remark that many thousand of this age could have found immediate employment in the Colony.[2] So great was the demand for these youthful laborers that in one year alone, 1627, fourteen or fifteen hundred children who had been gathered up in different parts of England were sent to Virginia.[3] In 1629, the Governor took steps to obtain a large number from the city of London. This demand continued during the remaining portion of the century.

The youthfulness of a majority of the laborers who emigrated to the Colony is revealed in various ways. In 1657, the ship *Conquer* was lying in the Thames ready to sail to Virginia, having nineteen indented servants among its passengers. Information as to their ages has been preserved. The average age was nineteen.[4] The law of Virginia defining tithables provided that the number of the years of the youths brought into the Colony

[1] *British State Papers, Colonial Entry Book*, No. 97, pp. 172–174; *Sainsbury Abstracts for 1685*, p. 207, Va. State Library.

[2] New Description of Virginia, p. 8, Force's *Historical Tracts*, vol. II.

[3] See Letter quoted in Neill's *Virginia Carolorum*, pp. 46, 47.

[4] *British State Papers, Colonial*, vol. XIII, No. 29, I; *Sainsbury Abstracts* vol. 1640–1691, pp. 170, 171, Va. State Library.

should be sworn to in order to assure the court that their owners were not endeavoring to evade the full payment of their share of taxation.[1] The ages of a very large division of the laborers previous to 1700 became in this way a part of the permanent records of the country. The number of young imported servants as thus disclosed is a strong indication in itself of the smallness of the number of criminals added to the population of the Colony.[2] The greatest proportion of these youths emigrated to Virginia in the company of their parents, kinsmen, or friends, or were bound out there as apprentices by their guardians or parents or the local authorities in England.[3] A considerable section were obtained by felonious means. It was no uncommon thing at this period to find men and women in the seaport towns, but especially in London and Bristol, who earned a livelihood by alluring very young persons to their houses by gifts of sweetmeats, and who cropped the hair of the victims thus secured, so as to alter their appearance beyond recognition, and then disposed of them to persons engaged in sending out laborers to the plantations.[4] Actual force and violence were probably only used in the case of children. Among the nineteen servants who were included in the list of passengers of the ship *Conquer* already referred to, not less than twelve were illegally detained. Robert Person, one of these

[1] These youths were brought into court in order that the justices might be able to form their conclusions as to the truth of the oaths, from the appearance of the youths themselves.

[2] At a single meeting of court held in Lancaster County, May 13, 1668, thirteen servants were adjudged to be under age. *Records of Lancaster County*, original vol. 1666–1680.

[3] *Records of York County*, vol. 1690–1694, p. 117, Va. State Library.

[4] Craik's *History of England*, vol. III, p. 635; see also *Public Good without Private Interest*, p. 5; *Records of Middlesex, England*, vol. IV, p. 433.

passengers, who was a drover from Yorkshire, had been made drunk in Smithfield, and while in that condition had been enticed into the vessel at midnight, being under the impression that he was returning to his lodgings. Mary Cooper, a young woman in search of employment, had been told that by going on board she would find a place in Virginia, which was represented to her as a town situated only a few miles below Gravesend on the Thames. Elizabeth Smalridge had been persuaded by a soldier to enter the ship, where he had sold her into bondage.[1]

Warrants for the return of children and the discharge of grown persons who had been inveigled on board vessels were issued in great numbers and served upon the captains in command. There are instances of widowed mothers seeking by this means to recover children not ten years old, of fathers to recover sons under eleven years of age.[2] A second warrant was sworn out at the same time for the seizure of the person who had been guilty of the abduction complained of, this person being generally some notorious spirit who was suspected of habitually committing the crime. Such was Christian Chacrett, who in 1655 was brought before a justice of the peace for enticing Edward Furnifall and his wife into the ship *Planter*, which was soon to raise anchor to set sail for Virginia ;[3] such was the still more infamous Avis, a resident of the vicinity of St. Katherine's in London, who about the same time was arrested for taking on board of a Virginian vessel a boy eleven years of age.[4] This traffic in kidnapped children and adults was carried on in Bristol as flagrantly and out-

[1] *Interregnum Entry Book*, vol. 106, p. 84, *British State Papers, Colonial*, vol. XIII, No. 29, I.

[2] *Denbigh MSS., Royal Hist. MSS. Commission*, Fourth Report, Appx., p. 272 ; *Interregnum Entry Book*, vol. 100, pp. 63, 64.

[3] *William and Mary College Quarterly*, April, 1893, p. 198.

[4] *Interregnum Entry Book*, vol. 100, pp. 63, 64.

rageously as in London.[1] In all parts of England at this period, the expression "to spirit away" became one in common use, and it was full of mysterious and terrifying significance to the popular mind; when any one who belonged to an inferior station in life disappeared without leaving any explanation of his absence from the community in which he had been living, he was said to have been "spirited away," and this whether he had gone out as a servant to the English Plantations or not. The persons who had earned by their peculiar occupation the name of "spirits" were invested with even greater awe than body-snatchers in our own time. There is, however, reason to think that the means employed by this class of men and women in the pursuit of their profession were in the majority of cases wholly commonplace; they played upon the ignorance of the simple-minded, the restlessness of persons in the lower walks of life who were anxious for a change, the despair of those who were sunk in hopeless poverty, and the eagerness of those who had been guilty of infractions of the law to escape from the country. It was to such persons as these that the spirits held out the fairest promises of good fortune in the lands beyond the sea when their terms of service had expired, and it is not strange that they entered readily into the net. However selfish the motives of the spirits, the work which they performed was one which, owing to the new opportunities offered their victims for improving the condition of their lives, ultimately redounded to the advantage of such as possessed elements of strength and respectability in their characters.

The persons who committed themselves voluntarily to the hands of the spirits were carried to the numerous

[1] Macaulay's *History of England*, chap. III.

cook-shops in the neighborhood of the wharves in the principal seaports, and here they were kept in close confinement until sold to merchants or masters of ships which were about to set sail for Virginia.[1] Their incarceration very often lasted for several months. So notorious were the houses in which these imprisonments took place, that warrants were frequently sued out authorizing employers to search them for the recovery of apprentices who had disappeared under the influence of the inducements held out by the spirits to fly to the Colonies. The frauds and robberies resulting from the custom of spiriting away became so common that in 1664, when the evil had reached its most alarming proportions, the Committee for Foreign Plantations decided to interpose. A few years before an application had been made by John Clark and Henry Harding for letters patent, under which they were to be granted the authority to establish an office in London to which all the servants and children to be sent to Virginia and Barbadoes from that port should be required to be brought in order that they might declare their willingness to go, or for the purpose of showing that their parents had consented to their departure.[2] This application does not seem to have been successful, although the greatness of the evil sought to be remedied was fully admitted. A few years later, the matter was taken up by a very influential body of men who had reason to consider their own private interests seriously impaired by the work of the spirits. In 1664, the English merchants presented a petition condemning the action of these persons, not on the ground that it resulted in so much injustice and inhumanity, but because it offered to so many

[1] See Bullock's *Virginia*, p. 47.

[2] *British State Papers, Dom., Chas. II*, vol. XXII, p. 138; *Sainsbury Abstracts for 1660*, p. 3, Va. State Library.

worthless individuals who had been spirited away with their own consent, an opportunity to say, after having received a large quantity of clothing and been furnished with food for a great length of time, that they had gone on board ship in opposition to their own wishes and had been detained there by force. Exposed to constant inconvenience and heavy loss from this source, the petitioners urged the appointment of a committee under the great seal, whose duty it should be to keep an exact record of the names, ages, places of birth and residence and the station in life of all who had decided to remove to the plantations.[1] When this paper was received, the committee who had charge of the affairs of the Colonies ordered a report to be made on it. This resulted in a full corroboration of the merchants' statement, it being affirmed that scarcely a ship departed from England for America which did not carry away a number of persons who had either been abducted or who pretended that they had been, their complaints to that effect being expressed at the last port at which the vessel touched on its outward voyage. The report recommended that there should be a record of every person who went out bound by the terms of a formal contract, and that the Secretaries of the Colonies should transmit to England, at regular intervals, the names and abodes of the different planters to whom the servants, whose agreements were with the merchants alone, were assigned after their arrival.[2] Under the influence of this report, the Council passed an order creating the office of Register. A commission was prepared by which Roger Whitby was appointed the first incumbent of the

[1] *British State Papers, Colonial Papers*, July 18, 1664; *Sainsbury Abstracts for 1664*, p. 54, Va. State Library.

[2] Report of Sir Heneage Finch, *British State Papers, Colonial Papers*, July 18, 1664; *Sainsbury Abstracts for 1664*, p. 54, Va. State Library.

position, and his commission was addressed to the Duke of York, as the warden of the Cinque Ports, as well as to those in command of other ports in the kingdom. Not only was the new officer required to preserve a record of the names, ages, places of birth and residence of all who proposed to emigrate to America in the character of servants, but also the full tenor of their stipulations and covenants, and the acknowledgment that they had left the English shores with their own consent. Certificates of this fact, bearing his official seal, were delivered by the Register to the merchants by whom the servants were to be forwarded.[1] The establishment of the Registry, although in its nature well calculated to enforce the object it had in view, did not prove entirely effective in removing the evil against which it was directed. The traders supplying the Colonies found it necessary in 1670 to offer a second petition, in which, after repeating their expression of abhorrence of the profession and practice of the spirits, they begged that new rules might be adopted to protect them in their business of supplying the plantations with laborers.[2] This led to the passage of an Act of Parliament providing that all who were found guilty of stealing and transporting children and adults should be punished with death without benefit of clergy.

Not even this extreme penalty could put a stop to the mischief. Ten years after this Act became a law, it was stated that ten thousand persons were annually spirited away from the kingdom by the arts of kidnappers.[3] An order of council issued in 1682 reveals the prevalence of

[1] Order in Council, *British State Papers, Dom., Chas. II*, vol. 102, No. 27; *Sainsbury Abstracts for 1664*, p. 58, Va. State Library.

[2] *British State Papers, Colonial Entry Book*, vol. 94, p. 17; *Sainsbury Abstracts for 1670*, p. 147, Va. State Library.

[3] Godwyn's *Negro's and Indian's Advocate*, p. 171.

the evil in spite of all that had been done to eradicate it. This order recited that many persons were still induced by a great variety of devices to go on board of ships bound for the Colonies, and after being thus secured were carried off against their wishes. Many others who had started upon the voyage with great willingness, and had been supplied with food and apparel at the expense of the owners of the vessels in which they sailed, afterwards caused their friends in England to begin prosecutions of these owners without any just ground on which to base a suit. So much annoyance resulted from the frequency of these prosecutions that the Council, on the occasion referred to, reaffirmed the regulation adopted in 1664, by commanding that all servants who should hereafter be carried out of the kingdom should be required, in case they were not bound by indentures to planters in the Colonies, to enter into formal contracts with the owners of the ships in which they intended to sail, which contracts were to be executed in the presence of a magistrate. As a further precaution, their names were to be preserved in books set apart specially for the purpose in the magistrate's office.[1] A few years afterwards, the attention of the Committee for Trade and Plantations was called to the fact that several vessels had recently cleared at Gravesend, whose officers had not conformed to the order in council of 1682, so far as it related to the servants on board who were destined for the Colonies, and the Committee at once took steps to have the order renewed and republished as a warning to those who were disposed to disregard it.[2]

[1] *British State Papers, Colonial Entry Book*, No. 97, pp. 87–91; *Sainsbury Abstracts for 1682*, p. 219, Va. State Library.

[2] *British State Papers, Colonial Entry Book*, No. 108, p. 253; *Sainsbury Abstracts for 1685*, p. 235, Va. State Library.

It would be an error to suppose that all the servants who were dispatched to Virginia had been originally procured by means which the law was disposed to condemn, and which required the intervention of the English authorities in the different ways referred to. From an early period in the seventeenth century, agents of high character and standing had established themselves in the ports from which ships engaged in the colonial trade took their departure, including not only London and Bristol, but also Weymouth, Dartmouth, Hull, Plymouth, Biddeford, Barnstaple, and Southampton. They followed a business that was considered to be entirely proper, and their methods gave no occasion for disapproval or criticism. It was understood that they were prepared to supply all who intended to emigrate to the Colonies for the purpose of opening plantations, with servants who were fitted to be laborers, these servants having come to them with a view of being disposed of in this manner. Nor did the agents find their only customers in men who designed going out to the Colonies themselves, and who, therefore, wished to carry along with them the number of laborers whom they might require. Their principal patrons were merchants who made annual shipments of servants to the English possessions in America. Many of these agents were probably the representatives of firms interested in the colonial trade, and by perfectly fair means gathered together, for their employers, laborers for transportation abroad.

The great body of servants procured by the merchants by legitimate methods or methods wholly illegitimate, were annually exported as a mere species of merchandise which, like the remainder of the cargoes, was to be exchanged for the principal commodity of Virginia, subject to all the risks attending the fluctuations in the price of

tobacco.[1] The demand for them was, however, more sustained than the demand for manufactured goods in general, or articles of luxury, because they were considered more indispensable, the possession of laborers being necessary for the production of the crop which furnished the only means the planters possessed of buying their supplies. In 1683, William Byrd, writing to his agent in England,[2] ordered that a number of youths and adults should be sent him to be used in exchange for a large quantity of the finest tobacco, which, he remarks, it is difficult to purchase without servants, and a few years later, he repeats his request in still stronger and more urgent language.[3] Colonel Byrd was only referring to an acknowledged fact in making this statement, which was probably even truer of an earlier time than of the period in which he lived. In collecting a large number of servants, whether bound to him by indenture or not, the merchant who was about to dispatch a ship to Virginia felt that he could count upon a certain market in which to dispose of them, although not upon a handsome profit, since this would depend upon the sale of tobacco in the following year, and the tendency of that commodity to sink suddenly in price was even more marked than its tendency to rise suddenly.

There was another reason for his anxiety to procure a

[1] Secretary Kemp, writing to Windebank, April 6, 1638, said: "Of hundreds which are yearly transported, scarce any but are brought in as merchandise to make sale of." *British State Papers, Colonial*, vol. IX, No. 96; *Sainsbury Abstracts for 1638*, p. 8, Va. State Library. William Fitzhugh states in a letter bearing date Oct. 2, 1684, that a ship had just arrived in James River having thirty servants on board for sale.

[2] "If you could send me six, eight or ten servants (men or lusty boys) by the first ship, and the procuration might not be too dear, they would much assist in purchasing some of our best crops; they seldom being to be bought without servants." *Letters of William Byrd*, Feb. 25, 1683.

[3] *Letters of William Byrd*, March 29, 1685.

cargo of laborers in addition to the large quantity of supplies which he placed on board of his vessel: without a cargo of servants and general merchandise, there would be no means of meeting the expense incurred in the navigation of the ship on its outward voyage. If the vessel had proceeded to Virginia with only worthless ballast in its hold, the profits of its return voyage would have been seriously diminished, however valuable the tobacco brought back might prove to be. It was for this reason to the interest of the English merchant or shipowner who traded with the planters of Virginia, to export to that Colony, whenever a ship was sent out, a cargo adapted to its needs, and as servants were always in demand, he took steps to obtain them as ensuring the smallest risk in his venture.

The principal month for sailing was September.[1] A ship beginning its voyage in this month, either early or late, could safely calculate upon arriving in Virginia at the time when the bulk of the crop of tobacco for the past season had been put in shape for transportation to England. Not only could the shipmaster who reached the Colony in October or November rely with confidence upon securing a cargo of tobacco, since all the planters were eager to forward their hogsheads to the foreign markets at the earliest possible moment in order to obtain the highest price, but he could also justly indulge the hope of readily disposing of all his supplies, including the servants, since there was a crop on hand to be offered in

[1] In the early history of the Colony, it was the custom of many shipmasters to set sail from the Isle of Wight in making the voyage to America. In May, 1621, the Quarter Court of the London Company allowed Berkeley twenty pounds sterling to meet his expenses in conducting to that point the twenty workingmen whom he was taking to Virginia to erect a furnace at Falling Creek. *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 123.

immediate exchange for them. An advantageous transfer of the laborers under these circumstances allowed room for a double profit, first the profit on the sale of the laborers themselves after deducting the cost of their transportation, and secondly, the profit on the tobacco, for which they were bartered, when passed to the English dealers. So general was the habit of the shipowners to start their vessels from England in September, that an impression prevailed among many people in the kingdom that a voyage of twelve months was required to reach Virginia. This was a cause of complaint to those who were interested in the prosperity of the Colony, on the ground that many persons who might have desired in the spring to emigrate thither, had time to lose that disposition before September, the only season when passages were easily secured, came around again.[1] The custom of sailing in this month was, however, not universal. A number of vessels arrived in Virginia in February[2] with a view of transporting the tobacco which still remained in the hands of the planters, not having been in a state for shipment when the first fleet of vessels returned to England. The belated ships also brought over cargoes of servants and supplies for exchange.

Before the discovery in 1609 of the northern route to Virginia, ships leaving England and bound for the Colony directed their course as far to the south as Porto Rico, increasing the length of the voyage very materially. In order to avoid all occasions for quarrels with the Spanish Power in the West Indies, to keep clear of waters infested with pirates, and to reduce the expenditure of victuals and the charge for freight, the Company, in 1609, instructed Argoll, after leaving the Canaries to

[1] Bullock's *Virginia*, p. 11.

[2] Ships also arrived in the Colony in the month of September.

the east, to sail upon a straight western line, in the hope of showing that Virginia could be safely reached by that course of navigation. The voyage proved to be successful, the time consumed being nine weeks, two weeks having been passed in a dead calm, during which no progress was made.[1] The route of Argoll lay by way of the Bermudas. This route seems to have been followed in all subsequent voyages. Gates and Somers were wrecked on these islands while making for Virginia in 1610. Already it was said that the passage to the Colony would not require a greater length of time for its accomplishment than six weeks.[2] The return voyage did not consume more than thirty-one days.[3] When Dale proceeded to Virginia in 1611, he passed eight weeks on the ocean.[4] It took Captain John Martin, in 1615, only five to complete the same course.[5] In 1649, it was stated that a period extending from five to six weeks covered the outward voyage, while the return voyage was sometimes made in twenty days.[6] Bullock declared in the following year that the length of the outward passage occasionally did not exceed four weeks, and that five weeks was in the great majority of cases the extreme limit.[7]

The voyage to Virginia, even when the northern route was taken, was subject to many serious dangers. Before the ship had passed out of eastern waters, there was a

[1] A True and Sincere Declaration, Brown's *Genesis of the United States*, p. 343.

[2] Brown's *Genesis of the United States*, p. 264 ; *Abstracts of Proceedings of the Virginia Company of London*, vol. I, p. 89.

[3] Report of Francis Maguel, Brown's *Genesis of the United States*, p. 399.

[4] Crashaw's Epistle Dedicatory, Brown's *Genesis of the United States*, p. 614.

[5] Brown's *Genesis of the United States*, p. 943.

[6] New Description of Virginia, p. 7, Force's *Historical Tracts*, vol. II.

[7] Bullock's *Virginia*, p. 44.

possibility of being attacked by the piratical craft which hovered off the coast of Africa. In 1636, a vessel with many servants on board, who were in the course of transportation from England to the Colony, was intercepted by Moors near the southern shores of the former country and carried to Sallè.[1] In 1683, the ship in which Daniel Tyler of York was returning to Virginia was captured by the Turks,[2] and towards the close of the century, Mathew Page, who had been seized by the Algerians under similar circumstances, was compelled to pay one hundred and four pounds sterling for his release.[3] Shipwrecks, in which all the passengers were drowned or were exposed to unexampled trials resulting in death, were not uncommon.[4]

It is probable that in every instance the voyage was attended by the gravest discomforts for the class of passengers to which servants belonged, and in many cases these discomforts became the most extreme hardships. As the far greater number of vessels sailed from England at but one season of the year, they were generally crowded, and the lack of any sanitary precautions of importance led frequently to pestilence. The owners and masters of the ships were principally bent upon reducing the cost of the voyage, and under the influence of this motive, victualled them so meanly and meagrely that many of the servants, in the course of their conveyance to Virginia, perished from the diseases incident to an unwholesome or insufficient diet.[5] The epidemic that swept over the enfeebled Colony after the Indian massacre of 1622 was said to have

[1] *Domestic Correspondence, Charles I*, vol. 332, No. 32, V. In 1679, thirteen ships bound for Virginia were captured by the Algerians. *Royal Hist. MSS. Commission*. Eleventh Report. Part II. p. 137.

[2] *Records of York County*, vol. 1687–1690, p. 458, Va. State Library.

[3] *Ibid.*, vol. 1690–1694, p. 133, Va. State Library.

[4] See Colonel Norwood's voyage to Virginia, Force's *Historical Tracts*, vol. III.

[5] *Public Good without Private Interest*, p. 11.

been introduced into Virginia by a vessel on which fevers had broken out in consequence of the decayed meat and beer distributed among the passengers as their daily allowance. Time only enlarged the proportions of the evil. It was found necessary to increase the number of precautions to remove it. Thus in 1626, Governor Yeardley was instructed to examine the charter party of every shipmaster to discover whether he had complied with the condition as to the number of passengers whom he might transport, and also had provided victuals ample in quantity and wholesome in quality.[1] Eleven years later, the Governor of the Colony was directed to certify to the Privy Council the names of those who were notoriously delinquent in furnishing food and drink to the passengers in their ships for Virginia. A number of presentments were made in accordance with these orders, and punishments were inflicted.[2] These active steps to compel the owners and masters of vessels to provide proper accommodations for their inferior passengers, passengers of means being able to secure whatever was needed to promote their comfort and to protect their health by the payment of large fees,[3] had their origin in the suggestion of Governor West. A report was drawn up by this official concerning the great mortality from which the Colony had suffered at various times, in consequence of the introduction of persons who had become diseased during the voyage by the use of unwholesome food.[4] The strictest instructions were given

[1] Instructions to Yeardley, 1626, *McDonald Papers*, vol. I, p. 408, § 8, Va. State Library.

[2] The presentment of Robert Page, cape merchant of the *George*, is given in *British State Papers, Colonial*, vol. IX, No. 44, I, II, III, IV; *Sainsbury Abstracts for 1637*, p. 187, Va. State Library.

[3] See, for circumstances attending the voyage of Miss Fitzhugh, *Letters of William Fitzhugh*, Jan. 30, 1686–87.

[4] Governor West to Lords Commissioners for Plantations, *British State*

in 1641 to Berkeley to enforce the rules which provided for the poorest servants, during the time they were on board ship, an abundance of wholesome victuals and quarters amply sufficient for their accommodation.[1] Twenty years later the same care was shown in ensuring the comfort of the lowest class of passengers. The masters were required to stock their vessels as for a voyage extending over four months; the most indigent servant was to receive a sufficient allowance of food and bedding while on board, and these regulations were renewed from year to year.[2]

Improper and insufficient fare and overcrowding were not the only evils from which the servants suffered in making the voyage to Virginia. The captains of the vessels had absolute authority over their passengers, and as many of these officers were men of arbitrary and tyrannical temper, the power they possessed was frequently abused. When it became necessary to inflict punishment upon persons who had been guilty of crime on shipboard, it was quite often imposed with extreme barbarity. An instance may be mentioned which furnishes probably a fair illustration of this fact. About the year 1635, a bottle of liquor was stolen on board of a vessel bound for Virginia, and a boy upon whom suspicion fell was arrested and severely whipped for the purpose of forcing him to confess the theft. In the agony of his suffering, he implicated several others in his act. Seizing instantly upon the supposed ringleader, the sailors, by the command of the captain, suspended him by the wrists to a yard-arm

Papers, Colonial Papers, vol. IX, No. 7 ; *Sainsbury Abstracts for 1636*, p. 150, Va. State Library.

[1] Instructions to Berkeley, 1641, *McDonald Papers*, vol. I, p. 383, Va. State Library.

[2] Hening's *Statutes*, vol. I, p. 435 ; vol. II, p. 129.

with a mortar-piece weighing two hundred pounds attached to each leg. The unfortunate man was allowed to hang under these excruciating circumstances until the cries of shame which arose from the surrounding passengers forced the captain to release him.[1]

In these ocean voyages, the strong superstition prevailing in that age among individuals of all classes, but especially among those who occupied a lower station in life, sometimes exhibited itself in a very revolting light. The larger proportion of passengers, to whatever rank they belonged, had never been at sea before. When great storms arose, as they often did in these voyages, the ships sailing from England when the equinoctial winds had begun to blow, they were often attributed by the ignorant servants and even the representatives of higher classes present to the machinations of witches. If some old woman, shrivelled and bent, with toothless gums and straggling locks, happened to be on board, it was only too easily taken for granted that it was she who had raised the spirit that caused the tempest to roar and the waters to foam and rage. Terror at the moment might prevent the passengers from throwing her into the sea, but woe to her when the waves subsided! There is the record of a summary execution of a hag for this offence in spite of the most earnest and emphatic protest on the part of the captain. It appears from this incident how universal among the passengers was the sentiment in favor of the execution, since even the wishes and commands of the chief officer were disregarded.[2]

[1] *British State Papers, Dom. Cor. Chas. I*, vol. 271, No. 12; *Sainsbury Abstracts for 1635*, p. 68, Va. State Library.

[2] *Public Good without Private Interest*, p. 12; Archives of Maryland, *Proceedings of Council, 1636-1667*, p. 306. The following is a General Court entry for June 7, 1655: "Capt. Barrett to appear at the Admiralty Court to answer the putting to death of Katherine Goody as a witch at sea." *Robinson Transcripts*, p. 242.

The charge for the conveyance of servants from England to Virginia remained substantially the same throughout the seventeenth century. During the period of the Company's administration, it was six pounds sterling or its equivalent to the individual.[1] In 1664 when forty years had passed since the revocation of the charter of that corporation, a committee of the Council for Foreign Plantations reported that the cost of transportation by the head was still six pounds sterling.[2] An item in the inventory of Mathew Hubbard, recorded in York County, shows that as late as 1670 this continued to be the amount which was paid,[3] exclusive of the sum spent in the purchase of clothing and other necessary articles. In 1623, a planter who imported six servants into the Colony was compelled in the case of each to go to the expense of thirteen pounds sterling,[4] but this included not only the charge for transportation, but also the cost of clothing, victuals, mechanical tools, and military arms. Another contemporaneous authority estimated the general outlay as high as twenty pounds sterling.[5] George Reade, writing in 1640 to his brother in England, requests him to send two servants to Virginia, the charges on whose account he states would

[1] *Abstracts of Proceedings of Virginia Company of London*, vol. I, pp. 28, 172; *Works of Capt. John Smith*, p. 609.

[2] *British State Papers, Colonial Entry Book*, vol. 92, p. 275.

[3] *Records of York County*, vol. 1664–1672, p. 469, Va. State Library. There is an instance preserved in the *Records of York County* in which the charge for the transportation of thirty-three servants was placed at £5 a head. The shipmaster who conveyed them to Virginia was, however, one of the owners, and for that reason only it is probable the rate was materially reduced. See vol. 1687–1691, p. 248, Va. State Library.

[4] *British State Papers, Colonial Papers*, vol. II, No. 54; *Sainsbury Abstracts for 1623*, p. 169, Va. State Library.

[5] *British State Papers, Colonial*, vol. III, No. 32; *McDonald Papers*, vol. I, p. 155, Va. State Library.

be ten pounds sterling to the man. This, however, also covered the expense of bedding and other unusual articles.[1]

Bullock a quarter of a century later entered minutely into the various items of cost involved in the transportation of a servant to the Colony. In consequence of the fact that the vessels set sail for Virginia at long intervals, it was necessary, according to this writer, to consider the expense of maintaining such a person while he was waiting to embark. In London, this amounted to three pounds sterling for every six weeks of his detention. The charge for transportation alone was five pounds and ten shillings, to which ten shillings and six pence were to be added to cover the fee of the ship surgeon, the expenditure on account of the servant being thus brought to eight pounds twelve shillings and six pence, and this was exclusive of the cost of the apparel and similar necessaries which had to be provided for him under the terms of his indenture, consisting of one cloth and one canvas suit, one waistcoat, one pair of woollen drawers, three shirts, two pairs of stockings, two pairs of shoes, one monmouth cap, three handkerchiefs, four ells of strong canvas, one bed and bolster, two blankets and a rug. The outlay entailed by the purchase of these articles was calculated at three pounds and eight shillings. Bullock asserted that if it had been customary for ships to sail at short intervals from the mother country to Virginia, the expense of importing a servant would not have exceeded four pounds and ten shillings, omitting the charge for clothing.[2] In many cases in which persons leaving

[1] *British State Papers, Colonial*, vol. X, No. 66; *Sainsbury Abstracts for 1640*, p. 98, Va. State Library. An English father, writing in 1660 to his son, who resided in York County, states that every servant whom he sent to Virginia caused him an expense of ten pounds sterling. *Records of York County*, vol. 1657–1662, p. 179, Va. State Library.

[2] Bullock's *Virginia*, pp. 11, 12, 36.

England granted to the owners of vessels the right to dispose of their labor when the Colony was reached, in return for having furnished them transportation, there was an inclination on the part of these owners to raise the rate extremely high in order to lengthen the terms of service and thus increase the profit of the voyage. So exorbitant were the charges in instances of this kind, amounting not infrequently to four or five times the ordinary fee of the passage, that it became a cause of general complaint, which apparently remained without remedy.[1]

In the session of 1638–39, the General Assembly adopted the regulation that a tax of six pence per capita should be levied on passengers arriving at Point Comfort, and towards the close of the century this amount was increased to fifteen shillings in the case of servants of alien birth.[2] It is an interesting and significant fact that the heavy penalties imposed for forestalling the markets of the Colony in regard to so many articles of merchandise, such, for instance, as liquors, soaps, candles, sugar, fruits, spices, woollen and linen goods, were held not to apply to servants, the persons who had bought them from the merchants being left at liberty to dispose of them in exchange for tobacco at the highest figures they could secure.[3] This exception was allowed on the ground that the seasoning of laborers exposed their first owners to serious charges, and hazards which ought to be considered in their subsequent sale. The statute of 1642, however, which required that the masters of ships should not sell any goods on board until their vessels had arrived at Jamestown, at

[1] Godwyn's *Negro's and Indian's Advocate*, p. 171.

[2] *British State Papers, Colonial*, vol. X, No. 11, I; *Sainsbury Abstracts for 1638*, p. 67; Hening's *Statutes*, vol. III, p. 193; Beverley's *History of Virginia*, p. 201.

[3] Hening's *Statutes*, vol. I, p. 245.

which place they were to remain at anchor at least twenty-four hours, expressly included servants in its provisions,[1] because to permit the bulk of a cargo to be broken, so far as the personal merchandise on board was concerned, was to encourage its being broken in the case of ordinary goods by furnishing the amplest opportunity for this to be done. This Act of Assembly did not include in its scope either the Eastern Shore or York River. It was afterwards repealed on account of the serious inconvenience which it produced. The merchants were strongly opposed to its continuation because it increased the cost of a voyage to Virginia by prolonging the delay in the discharge of a cargo, and the planters objecting to it because they were indirectly compelled to recoup the traders for this additional expense. In all the abortive laws which were afterwards passed to establish ports, servants were required to be landed in these ports along with ordinary merchandise.[2]

When a large proportion of servants on board of a ship arriving in Virginia were consigned under indenture to planters named in the bills of lading,[3] the vessel either proceeded directly to the landings of these planters,[4] or to some general port where it could be conveniently reached by them.[5] Special instructions were given to Berkeley in 1641, that no passengers of this class were to be turned ashore until their masters had been informed of their presence and had been allowed ample time to send for them.[6]

[1] Hening's *Statutes*, vol. I, p. 246.

[2] *Ibid.*, p. 413.

[3] An instance of a female servant, consigned to Mr. Thomas Pecké by bill of lading, will be found in the *Records of York County*, vol. 1657–1662, p. 179, Va. State Library.

[4] *Records of Rappahannock County*, vol. 1656–1664, p. 87, Va. State Library.

[5] *Life of Thomas Hellier*, pp. 10, 11.

[6] Instructions to Berkeley, 1642, *Virginia Magazine of History and Biography*, vol. II, p. 286.

If the whole cargo of such persons were the property of a merchant who owned or had chartered the ship in which they were transported, the captain sailed to those parts of the Colony where the merchant's factors resided.[1] If the vessel was without special consignments, it seems to have been the habit of the planters residing in the neighborhood of the place where she came to anchor, to go on board, and make purchases of servants if they formed a part of the cargo. The most prominent citizens did not disdain to buy in person in this manner.[2]

In assigning servants to the planters, the merchant, or the shipmaster acting as the merchant's attorney, could only dispose of the terms designated in their indentures, which in general had been drawn either at the beginning or at the end of the voyage.[3] In the absence of any documentary agreement, they could only be sold for the period laid down by the custom of Virginia. In some cases, a person who had come over to the Colony with a view to settling there permanently, if his impressions were favorable, hired out his laborers for a certain length of time while he inquired into the general conditions prevailing in the country. The only remuneration allowed for their use under these circumstances was their bare support and

[1] *Records of York County*, vol. 1664–1672, pp. 549, 550, Va. State Library; *Records of Middlesex County*, original vol. 1680–1694, orders Aug. 7, 1693.

[2] *Records of Lancaster County*, original vol. 1680–1686, April 8, 1684; *Records of Middlesex County*, original vol. 1680–1694, orders March 2, 1684; *Records of Lower Norfolk County*, original vol. 1656–1666, p. 232; *Records of York County*, vol. 1657–1662, p. 338, Va. State Library.

[3] The following reference to the manner in which the servants kept their indenture papers on the ocean voyage is found in the *Records of Henrico County*, vol. 1688–1697, pp. 262, 263: "After the ships arrived in the Capes . . . several of them (servants) talked of securing their indentures, the men would sowe them in the waistband of their breeches, and this Bridget said she would sowe hers in her stomacher."

a small quantity of tobacco, but the original owner was frequently benefited further by escaping the expense and inconvenience attending the seasoning to which all who had newly arrived were liable.[1] If he found it inadvisable, after a careful examination of the practical advantages which the Colony had to offer, to remain there, he had no difficulty in selling the terms of his servants and thus securing himself against any loss from the expense he had incurred in bringing them to Virginia. It was also in his power to obtain more favorable provisions for them with a second master than were embodied in the agreement between themselves.[2]

When a servant had bound himself before his departure from England to work for a certain planter in Virginia, he could not escape from the obligation thus assumed by concealing himself until the ship in which he intended to sail had started on its voyage, and subsequently going over to the Colony under covenant to a different person. Whoever was guilty of this form of faithless dealing was punished by being compelled to labor for a period representing the length of both terms, the second master, however, being subordinate to the first in his claim upon the time and energies of the servant. The first term for which the latter was bound by the indenture he had shirked had to be completed before he could carry out his engagements under the second indenture.[3]

[1] *Verney Papers, Camden Society Publications;* see also Neill's *Virginia Carolorum*, pp. 109–111.

[2] *Letters of William Fitzhugh*, Jan. 30, 1686–1687.

[3] See Lawes of Assembly, 1619, *Colonial Records of Virginia*, State Senate Doct., Extra, 1874, p. 28. An instance of a person who had escaped and returned to England, being required, on coming back to the Colony under new indentures, to serve out his first term, will be found in *Records of General Court*, p. 78.

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